

# Working Together

Manitoba Education, Citizenship and Youth

## A Parent's Guide to Formal Dispute Resolution



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Manitoba 

Manitoba Education, Citizenship and Youth

## **A Parent's Guide to Formal Dispute Resolution**

Review Committee for Formal Dispute Resolution

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1. Formal dispute resolution – parents and school divisions
2. Requirements for a review committee
3. Steps in the review process
4. Resources and contact information

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This pamphlet is available on the Manitoba Education, Citizenship and Youth website: [www.edu.gov.mb.ca/k12/docs/index.html](http://www.edu.gov.mb.ca/k12/docs/index.html).

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# About This Guide

In Manitoba, parents\*, teachers, community members and Manitoba Education, Citizenship and Youth share a common goal: to give students the best education possible. We can all work together to make school an open, caring place. In Manitoba, we are committed to the following philosophy of inclusion as our guiding principle:

*Inclusion is a way of thinking and acting that allows every individual to feel accepted, valued and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.*

*In Manitoba, we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all of us.*

When disputes occur between parents and school, Manitoba Education, Citizenship and Youth believes that the best way to resolve those disputes is through informal resolution at the local level. This includes problem solving, negotiation and conciliation in discussions with those most directly involved in the dispute. These informal approaches are described in *Working Together: A Guide to Positive Problem Solving for Schools, Families and Communities*.

When people in dispute no longer believe they can resolve the issue themselves, a more formal approach may be appropriate. In 2005, Manitoba Education, Citizenship and Youth established a formal process dispute resolution process. It is described in *Appropriate Educational Programming in Manitoba: A Formal Dispute Resolution Process*.

This guide outlines that formal review process, describes the issues that qualify for a formal review, and poses some questions to consider when deciding whether a formal review might be appropriate for your situation.

\* The term 'parent' refers to parents, guardians or others who are responsible for students. Students 18 years of age or older may represent themselves in this process if they choose.

# Is a Formal Review the Best Approach for your situation?

The goal of *informal* dispute resolution is for both parties to work together to arrive at a “win-win” solution. The goal of a *formal* dispute resolution process is to arrive at a solution. This solution is provided by someone other than the parties, because they are unable to find a solution on their own. Please note: the outcome of a formal dispute resolution process will likely not satisfy both parties.

Before asking for a formal review, it is important to consider the following questions:

- Will a formal review bring the best results for your child?
- Are there other, more informal ways to resolve this issue?
- What do you expect from a formal review committee?

To qualify for a formal review, the dispute must:

- Involve a student who has an Individual Education Plan (IEP)
- Concern the appropriateness of the student’s **education programming** or **placement**

In addition, there must be:

- Attempts to resolve the dispute at the school, school division office, and school board levels; and
- A written decision by the school board concerning the issue.

If all these criteria have been met, you may contact the review co-ordinator to discuss the option of a formal resolution process:

Review Co-ordinator  
307-1181 Portage Ave.  
Winnipeg, Manitoba  
R3G 0T3  
Phone: 1-204-945-8417

# The Formal Dispute

The best way to resolve a dispute is to work with those directly involved in the situation, such as the teacher or the school principal. If a solution cannot be found at the school level, you may take the issue to the school division office. If a solution cannot be found at this level, you may then take the issue to the school board for a decision.

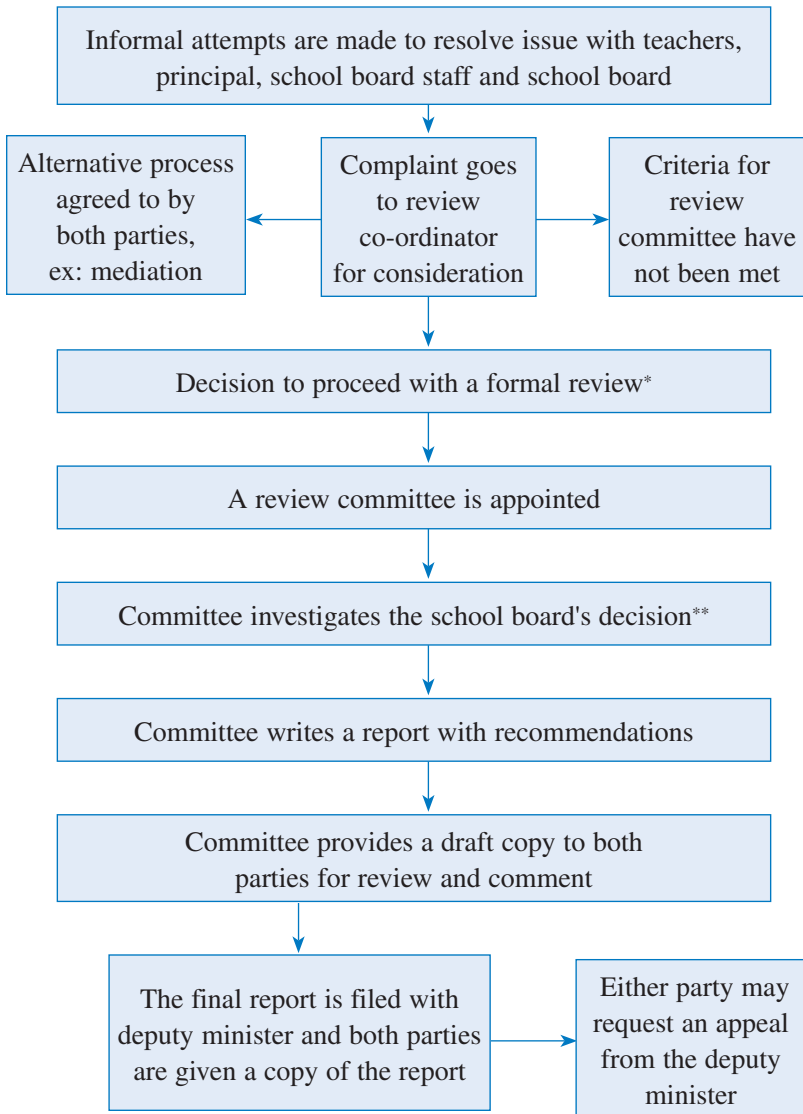
If you are not satisfied with the school board's decision, you may contact the review co-ordinator to discuss whether the matter might be considered for a formal review. The review co-ordinator will also discuss the possibility of considering more informal alternative approaches, such as mediation, to find a resolution to the dispute. If the issue does not qualify for a formal review, the review co-ordinator will explain why.

If the issue qualifies for a formal review, a three-member review committee is appointed by the Minister from a list of qualified candidates. The job of the committee is to review the decision by the school board concerning the dispute. The review co-ordinator will provide you with more specific information about the process once the committee is established.

The review committee will review the school board's decision by conducting an investigation. This involves meeting separately with the family and school division staff to ask questions, reviewing documentation of the dispute, and conducting any other activities the committee believes are necessary. A formal hearing may be required.

The committee considers all the information and writes a report that includes its final decision and recommendations. The report is forwarded to both parties for review and comment and then is forwarded to the deputy minister. The decision may be appealed by either party within 30 days to the deputy minister of Manitoba Education, Citizenship and Youth.

# Resolution Process



\* Mediation may be re-introduced at any stage if deemed to be in the best interest of the child.

\*\* A formal hearing may be required.

# Keeping Notes

As you work your way through the dispute resolution process, keep notes about the people you talk to and the meetings you attend. Your notes could include:

- Date and place you met
- Names of the people you met with and their titles (teacher, principal, resource teacher, school board staff, school board member, superintendent, review co-ordinator)
- Phone numbers of each person
- Details of what was discussed and what was agreed to
- Date for follow up meeting, if necessary

This information will help to support your request for a formal review if resolution cannot be achieved at the school division level. If there is a formal review, your notes may help you to answer questions posed by the review committee when it conducts its investigation. The chart on the next page offers an example of a note-keeping format.



# Contacts

<b>Contact name:</b>	<b>Phone Number and e-mail:</b>
Teacher: Date/Notes:	
Principal: Date/Notes:	
Resource Teacher: Date/Notes:	
School Division Staff: Date/Notes:	
Superintendent: Date/Notes:	
School Board: Date/Notes:	
Review Coordinator: Date/Notes:	

# Related Resources

*Working Together: A Guide to Positive Problem Solving for Schools, Families and Communities*

(Manitoba Education, Citizenship and Youth, 2004)

(document and brochure)

([www.edu.gov.mb.ca/k12/specedu/documents.html](http://www.edu.gov.mb.ca/k12/specedu/documents.html))

*Appropriate Educational Programming in Manitoba:*

*A Formal Dispute Resolution Process*

(Manitoba Education, Citizenship and Youth, 2006)

([www.edu.gov.mb.ca/k12/specedu/aep/index.html](http://www.edu.gov.mb.ca/k12/specedu/aep/index.html))

*Appropriate Educational Programming in Manitoba:*

*Standards for Student Services*

(Manitoba Education, Citizenship and Youth, 2006)

([www.edu.gov.mb.ca/k12/specedu/aep/index.html](http://www.edu.gov.mb.ca/k12/specedu/aep/index.html))

*The Public Schools Act*

Appropriate Educational Programming Regulation

Regulation 155/2005

School Division Web Listing

([www.edu.gov.mb.ca/k12/schools/schooldivmap.html](http://www.edu.gov.mb.ca/k12/schools/schooldivmap.html))





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