

THE RIGHTS OF YOUTH: YOU AND SCHOOL

April 2007

SCHOOL AND EDUCATION

Education is a basic right that is set out in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child and supported by law in Manitoba.

Do I have to go to school?

If you are between the ages of 7 and 16, you are of *compulsory school age* in Manitoba, and your parents or guardian have to ensure that you attend school regularly. Failure to attend can result in the laying of *truancy charges* by the local school board against your parents or guardian.

Where do I go to school?

Your local school board designates which school you are to attend. Usually it is the closest school to where you live. As a general rule, you may attend any other public school if that school has space and a program available for you.

Attending a private school is another option. Home schooling is an option as long as the standard of education is comparable to that of the public schools.

Will the school accommodate my special needs?

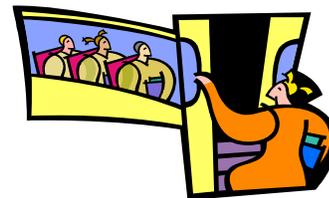
In Manitoba all students have the right to an appropriate education; this is guaranteed under *The Public Schools Act*. With input from the parents and student, the school determines the most suitable program for the learning requirements of each student.

Students with special learning needs are entitled by law to equal opportunity in public education. This responsibility requires school divisions to *reasonably accommodate* the special needs of their students. What is considered reasonable will depend on the circumstances. In some cases, a student may receive support in a regular classroom. In other cases, a student may require a special education program. Schools must also take the special needs of a student into account when making a disciplinary decision.

If you have a question or concern about a placement, you should speak to the school principal or the school division office. You may also contact the School Support Unit at the Department of Education, Citizenship and Youth or the Manitoba Human Rights Commission.

Do I have the right to school bus transportation?

The availability of school bus transportation for students in Winnipeg and other urban areas is up to the school division. There may be a fee depending on your age and the space available. In rural areas, school divisions will usually provide school bus transportation if you live 1.6 kilometres or more away from your designated school.



INSIDE THIS ISSUE	
1	SCHOOL AND EDUCATION
3	WEAPONS AND VIOLENCE
3	BULLYING AND HARASSMENT
4	OFFICES THAT PROTECT THE RIGHTS OF YOUTH

Can the school establish a dress code?

Schools have the right to establish dress codes. Styles in dress and grooming that are distracting or offensive are generally considered unacceptable. However, dress codes must make *reasonable accommodation* for your special needs based on your religious beliefs, pregnancy, or other factors covered under *The Human Rights Code*.

Do I have the right to smoke at school?

No, schools are classified as enclosed public places and, as such, are designated as smoke-free buildings. As well, school divisions have policies regarding smoking on school property.

Am I required to take part in religious ceremonies and patriotic observances at school?

If your school provides *O Canada* and *God Save the Queen*, you are required to take part unless you are excused by the school board.

If you attend a public school, which has a period of prayer or religious instruction, you can take part if your parent or guardian wishes you to. If you are over the age of 18, you can make that decision yourself.

What happens if I skip school?

Unexcused absence from classes is regarded as skipping. Recurrence of skipping may result in disciplinary action.



What happens if I get caught with drugs and alcohol on school property?

Using or possessing illegal or controlled substances on school property or while under the supervision of school staff can result in consequences ranging from suspension to immediate expulsion by the division. It can also lead to police involvement.

Is school staff allowed to use physical discipline?

Every school is required to have a Code of Conduct. Breaches of these and other rules can lead to various forms of discipline. Physical discipline is only permitted in rare circumstances if it is used for the purpose of correction, and is reasonable in the circumstances.

School divisions have a responsibility to provide a safe and secure environment for both students and staff.

What records does the school keep on me?

A school keeps records with information about each student, such as student attendance, grades, any suspensions or other disciplinary action, and letters from parents. Any school division employee who reviews the information in your file as part of their duties is required to keep the information in your file confidential.

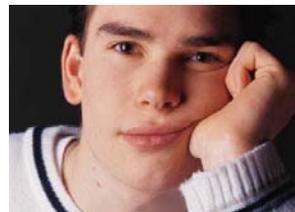
Can I see my school records?

Your rights to see your school records vary under different laws in Manitoba. Under *The Public Schools Act*, a student over 18 years of age has a right to see his or her school records. If you are under 18, your parent or guardian has a right to see these records. A school board can refuse to allow your parent or guardian to see information in your file if they feel that disclosing the information would be an unreasonable invasion of your privacy. They may also refuse to allow you or your parent to see the information if it would be detrimental to your education. A school board's refusal of access under *The Public Schools Act* may be appealed to the Court of Queen's Bench.

Under *The Freedom of Information and Protection of Privacy Act* (FIPPA), you have a right to request access to your school records. If you are under 18, this right may be exercised by your parent or guardian if the school division feels this would not be an unreasonable invasion of your privacy.

The Personal Health Information Act (PHIA) applies to school records that contain your personal health information. Under PHIA you have a right to request access to your school records containing your personal health information. If you are under 18, this right may be exercised by your parent or guardian if you do not have the capacity to make health care decisions.

The Ombudsman can investigate complaints concerning access to information, including complaints where a school division has refused access to information, under FIPPA and PHIA.



What if I disagree with the information?

If requested by you or your parent under *The Public Schools Act*, the school board must attach to your file your written objection to, or explanation of, anything contained in your file.

Under FIPPA and PHIA, you have a right to request a correction or omission to school records containing your personal and personal health information if you believe there is an error in the information. If the school division has refused to make the requested correction, you have a right to make a complaint to the Ombudsman about their decision.

When can I quit school?

You may quit school without your parent's/guardian's approval when you turn 16. If you have their permission and the permission of school officials, you may quit at the age of 15.

What if I want to go back to school?

If you have left school before graduating, you have the right to return up to June 30 of the year that you turn 21. You may attend beyond age 21, but your right to attend will have expired and admission is at the discretion of the school.

WEAPONS AND VIOLENCE

School divisions have a responsibility to provide a **safe and secure environment** for both students and staff. Each school and school division may have a slightly different policy concerning weapons and violence. But, in general, any threats to the safety of anyone within the school will result in police involvement, and suspension and/or expulsion.



Can they search my personal property and me?

School officials can search you or your property. However, they must have reasonable grounds to believe there has been a breach of school rules or discipline AND that a search would reveal evidence of that breach. It also means that the method they use to search you and/or your property must be reasonable, sensitive and in the least intrusive way possible. Your school should have a policy for searches set out in your school's Code of Conduct.

Can they search my locker?

School officials can inspect and search your locker and desk as they are considered school property.

Who has the right to suspend?

Both teachers and principals have certain powers to suspend students. The school must keep a record of each suspension. Parents have to be promptly notified in writing of any suspension and the reason for it.

Who has the right to expel?

Only the school board has the right to expel students who put the welfare of the school, including its staff and students, at risk.

If I am suspended or expelled, what can I do?

If you are suspended for more than 5 days, the principal must ensure that educational programs are available to you. If you are expelled, and are under 16 years, the school board must make educational programming available to you.

Any student who is suspended for more than 5 days or expelled has the right to a hearing before the school board. You are entitled to be represented by someone of your choice, including your parents, and to speak at that hearing.

BULLYING AND HARASSMENT

What is bullying?

Bullying is behaviour that is threatening or intimidating. It can be verbal or physical, and is generally one-sided. Individuals or groups may be responsible for it. It can take different forms, such as:

- physical attacks and other forms of violence, such as hitting or kicking;
- verbal taunting or threats, name-calling and put-downs;
- extortion, or stealing your money and/or possessions; and/or
- refusing to speak to you, or excluding you from your group of friends, perhaps by spreading a nasty rumour.

What is harassment?

Harassment is unwelcome conduct or comments that are repeated, and make reference to your religion, sex, disability, ethnic background, sexual orientation, or any of the grounds listed in *The Human Rights Code*. It includes racist comments, physical attacks, and sexual solicitations or advances.

What should I do if I am being bullied or harassed?

Your school is obligated to provide you with a learning environment that is free of harassment. If you or someone you know is being bullied or harassed, whether by a peer, a teacher, or other school employee, you should speak to a parent or other adult you trust. You should also speak to someone in authority – a teacher, counsellor or principal. You may also take your concerns to your school board and/or The Manitoba Human Rights Commission.

Office of the Manitoba Ombudsman

The Manitoba Ombudsman investigates complaints from anyone who feels he or she has been treated unfairly by departments or agencies of the provincial or a municipal government.

There are also laws in Manitoba that require the provincial and municipal governments, school divisions, hospitals and health professionals such as doctors to respect and uphold your information access and privacy rights. The Ombudsman investigates complaints about your access to information and privacy rights under those laws.

If you feel a decision or action of someone in government that affects you was wrong or unfair, or if you have questions about your information access and privacy rights, you may contact the Ombudsman Office. There is an intake officer you can speak to and who will listen to you. You can discuss your complaint privately.

If your concern is something they can investigate, they will explain the process. If it is not something that they can investigate, they will try to refer you to someone who can help.

www.ombudsman.mb.ca.

Manitoba Human Rights Commission

The Manitoba Human Rights Commission deals with complaints of **discrimination** and **harassment** in a number of areas of public life, including:

- employment;
- rental of housing; and
- public services and facilities such as stores, hospitals, schools, and recreation programs.

Manitoba's *Human Rights Code* is designed to promote equality of opportunity and to protect against discrimination based on:

- ✓ age;
- ✓ ancestry (including colour and perceived race);
- ✓ nationality or national origin;
- ✓ ethnic background;
- ✓ religion or religious association or activity;
- ✓ sex (including pregnancy);
- ✓ gender-determined characteristics;
- ✓ sexual orientation;
- ✓ marital or family status;
- ✓ source of income;
- ✓ physical or mental disability (which includes circumstances related to your disability, such as reliance on a wheelchair);
- ✓ political belief, activity or association.

www.gov.mb.ca/hrc

Office of the Children's Advocate

The Children's Advocate represents the rights, interests and views of children and youth who feel they are not getting the services they need from a Child and Family Services agency or department.

An advocate is someone who speaks with you and for you. Advocacy is about supporting and helping to make sure you are heard and taken seriously.

Information about the Children's Advocate Office, *The Child and Family Services Act* and *The Adoption Act* can be found on their web site www.childrensadvocate.mb.ca.

OFFICES THAT PROTECT THE RIGHTS OF YOUTH

Office of the Manitoba Ombudsman

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