

THE RIGHTS OF YOUTH: YOU AND SCHOOL

March 2011

SCHOOL AND EDUCATION

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

Do I have to go to school?

Yes. If you are between the ages of 7 and 17, you must go to school regularly. If you don't go to school, truancy charges can be laid against your parents or guardians.

Where do I go to school?

Your local school board chooses which school you are to go to. Usually it is the closest school to where you live. You may go to another public school if that school has space and a program available for you. However, usually schools have cut-off dates when they are no longer willing to accept students.

Going to a private school is another choice. Home schooling is also a way of getting an education, if the standard of education compares to public schools. Students also have the right to access Francophone education.

Will the school accommodate my special needs?

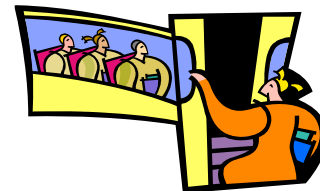
In Manitoba, all students have the right to an education; this is guaranteed under the *Public Schools Act*. With input from you and your parents, the school decides the most suitable program for your learning needs.

Students with special learning needs are entitled to equal opportunity in public education. This responsibility calls for school divisions to reasonably accommodate the special needs of their students. What is believed reasonable depends on the circumstances. For example a student may get support in a regular classroom. At times, a student may need 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 you should speak to your school principal or someone at 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 a school bus 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 school.



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 can be unacceptable. When dress codes are established, however, any special needs you might have based on your religious beliefs, pregnancy or other grounds protected under the *Human Rights Code*, must be taken into consideration.

Do I have the right to smoke at school?

No, schools are classified as enclosed public places and are designated smoke-free buildings. School divisions also have policies for smoking on school property.



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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 have to take part unless you are excused by the school board.

If you go to a public school, which has a period of prayer or religious instruction, you can take part if your parent or guardian wants you to. If you are over 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 lead to disciplinary action.

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

Using or having 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.

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 attendance, grades, 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 keeps the information confidential.

Can I see my school records?

The right to see your school records changes under different laws in Manitoba. Under the *Public Schools Act*, a student over 18 has the 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 revealing 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 could damage 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 ask for 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 ask for 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 are not able to make health care decisions.

The Ombudsman can investigate complaints about access to information, including complaints where a school division has refused 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 your written objection to, or explanation of, anything contained in your file. You or your parent/guardian can send a written objection to anything in your file. Under the *Public Schools Act*, the school board must attach your objection to the documents.

Under FIPPA and PHIA, if you believe there is an error in the information, you have a right to ask for a correction to be made to your school records. If the school division refuses to make the correction, you have a right to make a complaint to the Ombudsman about their decision.

When can I quit school?

In November 2010, The Province proposed changes to when you can quit school without your parent's or guardian's approval. With these changes, you cannot leave school until you are 18 or have graduated, whatever comes first.

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 might be able to return if you are over 21, but this is no longer a right. It is up to the school to decide if you can come back.

WEAPONS AND VIOLENCE

School divisions have a responsibility to provide a safe environment for both students and staff. Each school and school division may have a slightly different policy concerning weapons and violence. But, threats to the safety of anyone within the school can 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 school rules or discipline has been broken AND that a search would reveal evidence of that broken rule. It also means that the method used to search you and/or your property must be reasonable, sensitive and done 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 check and search your locker and desk since they are 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 must be promptly told 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, your principal must make sure that educational programs are available to you. If you are expelled, the school board must make educational programming available to you.

Students, who are suspended for more than 5 days or expelled, have the right to a hearing before the school board. They can be represented by someone of their choice, including parents, 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. One person or a group 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 putdowns;
- stealing your money and/or belongings;
- refusing to speak to you, or excluding you from your group of friends or spreading a nasty rumour.
- sending embarrassing, hurtful and threatening messages using technology. This is cyber bullying.

What is harassment?

Harassment is unwelcome behaviour or comments that are repeated, and can refer to your religion, sex, disability, ethnic background, sexual orientation, or any of the grounds in the *Human Rights Code*. It includes racist comments, physical attacks, and sexual advances.

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

Your school is obligated to give you a learning environment that is free of harassment. If you are being bullied or harassed, talk to an adult you trust, like a parent, doctor, nurse, or teacher. There are also many tools out there about bullying for you or your parents, or your teachers.

For example, there is the Assessment Toolkit for Bullying Harassment and Peer Relations at School <http://www.cpha.ca/en/activities/safe-schools.aspx>

A Canadian website that is dedicated to increasing awareness and the problems associated with bullying can be found at: www.bullying.org

The Canadian Red Cross (Manitoba Region) offers advice and programs on how to deal with, or prevent bullying. <http://www.redcross.ca>

And a national *Stop A Bully program* allows any student in Canada to submit a Bully Report directly to school officials. www.StopABully.ca

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.

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.



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.



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.

The Children's Advocate Office also has information on the *Child and Family Services Act* and the *Adoption Act*.

OFFICES THAT PROTECT THE RIGHTS OF YOUTH

Office of the Manitoba Ombudsman Winnipeg

750 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
Ph: 204-982-9130
Toll Free: 1-800-665-0531
Fax: 204-942-7803 www.ombudsman.mb.ca

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Office of the Children's Advocate

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Manitoba Human Rights Commission Winnipeg

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Collect calls accepted in all locations www.manitoba.ca/hrc