



LEGISLATED AUTHORITY OF THE DIVISION RE: STUDENT DISCIPLINE
(as quoted from the Public Schools Act of Manitoba)

I. General Disciplinary Authority

1. The Public Schools Act, Section 96 (c) stipulates it is the teacher's duty to "... maintain order and discipline in the school."
2. Regulation 68/97 s. 28(1) [amending Regulation 468/88 s. 28] under the Education Administration Act, states that "... the principal is in charge of the school in respect of all matters of organization, management, instruction and discipline."
3. Regulation 68/97 s. 32 and s. 33 [amending Regulation 468/88 s. 39 and s. 40] under the Education Administration Act, assign to the principal disciplinary authority over "... the conduct of each pupil ..." at school (s. 32), and "... over all pupils in their conduct toward one another on their way to and from school ..." (s. 33).

Suspension and Expulsion:

4. The Public Schools Act, s. 48 (4) prescribes the right of school boards, subject to the Regulations, to suspend or expel a student, "... who, upon investigation by the school board, is found to be guilty of conduct injurious to the welfare of the school."
5. This right is further clarified in Regulation 68/97 s. 40 [amending Regulation 468/88 s. 33] under the Public Schools Act, which outlines the rights of teachers, principals and superintendents to suspend students and the procedures governing suspensions.

Confiscation of Weapons

6. The Public Schools Act, Section 96 (f) requires school personnel to confiscate "... any offensive or dangerous weapon that is brought to school by a pupil and hand over such weapon to the school principal who shall notify the parent or guardian warning him that the pupil may be suspended or expelled from the school."
7. The Public Schools Act, Section 236, further clarifies that, "Unless authorized by a school board it is an offense to carry to school an offensive weapon as defined in the Criminal Code" and outlines various penalties for doing so.

Disturbances

8. The Public Schools Act, Section 48.1 (s) gives school boards the authority to "... decide who shall be school visitors."
9. The Public Schools Act, Section 231, prohibits disturbing a school, a class or a school activity by actions "... on school premises or in close proximity to school premises," and also prohibits trespassing on school premises. Various penalties and fines for doing so are specified.



II. Rights and Responsibilities of Parents and Pupils in Relation to Discipline

The Public Schools Act, Sections 58.6 through 58.10 define the rights and responsibilities of parents and pupils in relation to schools. The following excerpts from these Sections summarize those rights and responsibilities relating particularly to discipline.

1. Parents have the right to:
 - (a) "be informed regularly of the attendance, behaviour and academic achievement of his or her child in school." (58.6a)
 - (b) "be informed of the discipline and behaviour management policies of the school or school division or school district, and to be consulted before the policies are established or revised." (58.6e)
 - (c) "accompany his or her child and assist him or her to make representations to the school board before a decision is made to expel the child." (58.6g).
2. Parents have the responsibility to:

"co-operate fully with the child's teachers and other employees...to ensure the child complies with...student discipline and behaviour management policies." (58.7a)

"If property of a school division or school district is destroyed, damaged, lost or converted by the intentional or negligent act of a child, the child and his or her parents are jointly and severally liable (liable for the whole sum) to the school board for the loss." (58.8)
3. Pupils have the right to:
 - (a) "be accompanied by a parent or other adult to assist him or her and to make representations to the school board before a decision is made to expel him or her." (58.9[s]c)
 - (b) "attend school." (Granted elsewhere, in The Public Schools Act, Section 259[1])

Note: The legal right to an education continues for students under disciplinary action. Therefore, where disciplinary action includes any form of exclusion from the classroom (up to and including out-of-school suspension, but not including expulsion) alternative provisions for the continuing education of the student shall be arranged as feasible under the particular circumstances of the case. (See Appendix D: Guidelines For Implementation of Educational Continuance Strategies) By this measure the Division seeks to recognize the student's legal right to an education.
4. However, it still remains that, a pupil is responsible for:
 - (a) "complying with the student discipline and behaviour management policies of the school". (58.10c)
 - (b) "treating school property and the property of others employed at or attending the school with respect." (58.10d).

III. School Disciplinary Authority in Relation to Other Legislation

Under the foregoing Acts and Regulations school disciplinary activities proceed as a mandate of the school system specifically. Where students engage in activity which is both in contravention of the school or Divisional Guidelines for Student Behavioural Expectations as well as other legislation such as the Criminal Code, traffic legislation or other legislation regarding drug and alcohol, school personnel will inform the appropriate authorities, but will continue school disciplinary measures, under Division policy, separately from and independently of any investigations, activities or consequences resulting under the mandates of the criminal justice system or other social agencies.