

Horizon School Division No. 67
Regular Board Meeting – Division Office
ERIC JOHNSON ROOM
Tuesday, February 23, 2016 – 1:00 p.m.

Regular Board Meeting Agenda

A – Action Items

A.1 Agenda A.2 Minutes of Regular Board Meeting held Tuesday, January 19, 2016 A.3 Minutes of Special Board Meeting held Monday, January 25, 2016 A.4 January/February 2016 Payment of Accounts Summary A.5 Reserve Allocations A.6 Policy IHG – <i>Sexual Identify & Orientation</i> A.7 Student Fees	ENCLOSURE 1 ENCLOSURE 2 ENCLOSURE 3 ENCLOSURE 4 ENCLOSURE 5
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D – Discussion Items

D.1 Municipal Government Act (City Charter Review) D.2 ASBA Spring General Meeting attendance (Red Deer) D.3 Highway 3 Economic Development Association	ENCLOSURE 6
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I- Information Items

I.1. Superintendent's Progress Report I.2. Trustee/Committee Reports <ul style="list-style-type: none">• 1.2.1 Zone 6 ASBA Report – Marie Logan• 1.2.2 February Administrators' Meeting Summary - Bruce Francis• 1.2.3 Facilities Committee Report- Derek Baron I.3. Associate Superintendent of Finance and Operations Report – Phil Johansen I.4. Associate Superintendent of Programs and Services Report – Clark Bosch I.5. Associate Superintendent of Curriculum and Instruction Report – Amber Darroch	ENCLOSURE 7 ENCLOSURE 8
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Correspondence

<ul style="list-style-type: none">• Letter from Superintendent re Safe & Caring Learning Environments• February 2016 Education Law Reporter• ASBA – Health Matters News• January 28th Letter from Minister Eggen re Student Summer Employment Programs• Warner Hockey School Memo to Stakeholders• Newspaper clippings	ENCLOSURE 9
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Horizon School Division No. 67

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The Board of Trustees of Horizon School Division No. 67 held its Regular Board meeting on Tuesday, January 19, 2016 beginning at 2:00 p.m. in the Eric Johnson Room.

TRUSTEES PRESENT: Marie Logan, Board Chair
Bruce Francis, Board Vice-Chair
Blair Lowry, Jennifer Crowson, Terry Michaelis, Rick Anderson, Derek Baron

ALSO PRESENT: Dr. Wilco Tymensen, Superintendent of Schools
Phil Johansen, Associate Superintendent of Finance & Operations
Clark Bosch, Associate Superintendent of Programs, Services & Human Resources
Amber Darroch, Associate Superintendent of Curriculum & Instruction
Nikki Jamieson, Taber Times
Barb McDonald, Recording Secretary

ACTION ITEMS

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|-------|---|---------------------|---|
| A.1 | Moved by Derek Baron that the Board approve the agenda as presented with the following additions:

<u>Under Action Items:</u>
A.7 – Barnwell Tender
A.8 – Warner Motion | Carried Unanimously | AGENDA
APPROVED
04/16 |
| A.2 | Moved by Terry Michaelis that the Board approve the <u>Minutes of the Regular Board Meeting held Tuesday, December 15, 2015</u> , as provided in Enclosure 1 of the agenda. | Carried Unanimously | BOARD MEETING
MINUTES
APPROVED
05/16 |
| A.3 | Moved by Jennifer Crowson that the Board approve the <u>Minutes of the Special Board Meeting held Wednesday, January 13, 2016</u> as provided in Enclosure 2 of the agenda. | Carried Unanimously | SPECIAL BOARD
MEETING MINUTES
APPROVED
06/16 |
| A.4 | Moved by Bruce Francis that the Board approve the <u>December 2015/January 2016 Payment of Accounts</u> summary in the amount of \$2,300,934.12 as provided in Enclosure 3 of the agenda. | Carried Unanimously | PAYMENT OF
ACCOUNTS REPORT
APPROVED
07/16 |
| A.5 | Moved by Derek Baron that the Board approve the 2015-2016 <u>Horizon School Division Infrastructure Maintenance & Renewal</u> as presented. | Carried Unanimously | 2015-2016 IMR
APPROVED
08/16 |
| A.6.1 | Moved by Bruce Francis that the Board approve second reading of <u>Policy GAB Police Information Checks</u> as provided in Enclosure 4 of the agenda. | Carried Unanimously | SECOND READING
OF POLICY GAB
APPROVED
09/16 |

A.6.1.1	<p>Moved by Derek Baron that the Board approve final reading of Policy GAB <i>Police Information Checks</i> as provided in Enclosure 4 of the agenda.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>FINAL READING OF POLICY GAB APPROVED 10/16</p>
A.6.2	<p>Moved by Rick Anderson that the Board approve second reading of Policy GBD <i>First Aid Training</i> as provided in Enclosure 5 of the agenda.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>SECOND READING OF POLICY GBD APPROVED 11/16</p>
A.6.2.1	<p>Moved by Terry Michaelis that the Board approve final reading of Policy GBD <i>First Aid Training</i> as provided in Enclosure 5 of the agenda.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>FINAL READING OF POLICY GBD APPROVED 12/16</p>
A.6.3	<p>Moved by Bruce Francis that the Board approve second reading of Policy HICA <i>Off-Site Activities</i> as provided in Enclosure 6 of the agenda.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>SECOND READING OF POLICY HICA APPROVED 13/16</p>
A.6.3.1	<p>Moved by Derek Baron that the Board approve final reading of Policy HICA <i>Off-Site Activities</i> as provided in Enclosure 6 of the agenda.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>FINAL READING OF POLICY HICA APPROVED 14/16</p>
A.6.4	<p>Moved by Blair Lowry that the Board approve second reading of Policy IGAA <i>Use of Physical Restraints</i> as provided in Enclosure 7 of the agenda.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>SECOND READING OF POLICY IGAA APPROVED 15/16</p>
A.6.4.1	<p>Moved by Jennifer Crowson that the Board approve final reading of Policy IGAA <i>Use of Physical Restraints</i> as provided in Enclosure 7 of the agenda.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>FINAL READING OF POLICY IGAA APPROVED 16/16</p>
A.7	<p>Moved by Derek Baron that the Board approve the Facility Committee's recommendation to Alberta Infrastructure to award Venture Holdings Ltd. as the contractor for the Barnwell School re-modernization project.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>RECOMMENDATION OF CONTRACTOR FOR BARNWELL SCHOOL RE- MODERNIZATION APPROVED 17/16</p>
A.8	<p>Moved by Blair Lowry that Board Trustees Bruce Francis and Jennifer Crowson are to form a sub-committee authorized to complete a review into matter #2016-001. The sub-committee is authorized to seek information and assistance from Central Office administration to retain, direct payment and instruct legal counsel and consultants including a third-party investigator as deemed appropriate and necessary to fully review and consider matter harassment complaint #2016-001. The sub-committee shall report back to the Board of Trustees respecting any suggested actions or recommendations in response to matter #2016-001.</p> <p style="text-align: right;">Carried Unanimously</p>	<p>FORMATION OF BOARD SUB- COMMITTEE TO REVIEW MATTER #2016-001 APPROVED 18/16</p>

DISCUSSION ITEMS

D.1 Modernization Ground Breaking

Wilco Tymensen asked the Board whether or not they felt that a ground-breaking ceremony be organized for the commencement of the Barnwell School re-modernization. Rick Anderson offered to speak with Barnwell School staff to see if they would want to work with the Board and Division Office to coordinate a ground breaking ceremony.

INFORMATION ITEMS

I.1 Superintendent's Progress Report

Wilco Tymensen's January report to the Board was enclosed in the agenda and included the following information:

Bill 10 came into effect June 1, 2015

- Added Gender expression and gender identity to Human Rights and
- The definition of 'bullying' and "safe and caring" school environment requirements were amended
 - e.g. requirement to support Gay/Queer Straight Alliances and develop policy for student code of conduct regarding bullying
- To ensure compliance the Minister of Education asked jurisdictions to forward safe and caring policies to his office by March 31, 2015
- To assist jurisdictions, Alberta Education created 2 tools
 - What is new in school act
 - [*Alberta Education's Guidelines for Best Practice*](#): Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Identities and Gender Expression
 - Provides description of what SACS looks like
 - 12 best practices – cultural and procedural practices
 - Related to students and staff
 - Grounded in principals of dignity and respect
 - Mutually supportive and interdependent

12 Best Practices

1. Support student's individual needs
2. Respect right to self-identify
3. Maintaining school records in way that respects privacy
4. Ensure dress code respects gender identity and expression
5. Minimize gender-segregated activities
6. Full, safe and equitable participation in curricular and extra-curricular activities
7. Safe access to washrooms and change rooms
8. Building staff capacity regarding understanding and supporting
9. Comprehensive whole school approach (healthy relationships, responding to bullying)
10. Student contribution to welcoming, caring, respectful, and safe learning environments
11. All families welcomed and supported
12. Free from discrimination

I.2 Trustee/Committee Reports

I.2.1 Zone 6 ASBA Report – Marie Logan

Marie Logan, Zone 6 representative, provided an overview of the ASBA Zone 6 meeting that took place in Lethbridge on January 13th which included the following information:

- A presentation from Sean Beaton (Learning and Innovation Coordinator for Grasslands School Division) on *The Changing Nature of Teaching and Assessment*
- An ASBA report on the Education Act and Regulations
- A request from ASBA President, Helen Cleese to continue consultations with school boards as regulations are developed. ASBA wants Boards to have the continued opportunity to provide input on

the right of access to education, student residency and school fees. Student transportation and home education are also areas of concern that require continued consultations.

- Discussions took place regarding concerns with municipalities along highway 3 (where the highway is not twinned). Statistics regarding motor vehicle accidents over the past five years were shared and as a result, a motion was passed that statistics will be collected from these affected municipalities. These statistics used to advocate to the provincial government that something needs to be done to ensure the safety of all individuals.
- ASBA Zone 6 Director provided his report

I.2.1 January Administrators' Meeting Report – Jennifer Crowson

Jennifer Crowson reviewed the highlights of the January 12th Administrators' meeting as presented in Enclosure #10 of the agenda. [Click here](#) to review the entire January 12th Administrators' meeting summary.

I.2.2 Facilities Committee Report

Derek Baron, Facilities Committee Chair, provided an update on work undertaken during the past month within the Facilities Department and included the following highlights:

Facility crews have been engaged in all aspects of the physical plants and its contents ensuring prepared facilities for all staff and students. As an integral part of the facilities department responsibilities, they have been involved in all areas that operate behind the scenes such as enabling and setting up air moving equipment, water heating, all roof top equipment, as well as upgrading barrier free access as needs arise.

Maintenance Work During December and January

During the past month, a total of 102 new service request and generated preventive maintenance requests were submitted through Horizons electronic service request generating software, Asset Planner. Most requests were completed while some are in progress

In addition to the generated requests, several other maintenance repair projects were undertaken during the month. Graffiti removal, wall repairs and painting, plumbing and heating initiating and repairs, installation of tack boards, rooftop unit repairs etc.

Horizon School Division facilities staff have engaged in conversation with local authority having jurisdiction (AHJ). Regular evaluations are being undertaken within the jurisdiction. Completed reports along with recommendations will be submitted to the facilities department and school administration.

Maintenance Projects

- Central School Cold Storage Shed
- WRM HVAC
- Painting including: Interior painting of classroom, corridor and administration spaces is ongoing, Painting of door jams, interior and exterior doors remains ongoing as weather permits, covering and removal of miner graffiti, painting the small gymnasium in Lomond School, continue painting of the entire Lomond School facility
- Foliage maintenance and tree pruning

Infrastructure Maintenance and Renewal (IMR)

All 2014/15 IMR projects are complete. Formal submission and reporting to Alberta Infrastructure for review and approval has also been finalized and submitted.

Capital Projects

Barnwell School

Two contractor site visits were facilitated in Barnwell. The first resulted in approximately 40 contractor's attending including 8 general contractors. The second resulted in six contractors attending including two more generals.

Estimated Time line is as follows

Tender closing date:	January 14, 2016
Tender review process conclusion:	January 21, 2016
Tender award:	Early February, 2016
Construction start date:	Late February or March

Warner School

Horizon School Division No. 67's prime consultant is continuing to make progress as we move towards completing the tender documents. Approval to proceed to tender was issued by Alberta Infrastructure on January 12, 2016. Official tender opening is expected posthaste.

The process of decanting (moving staff and students out of the first phase of construction) will begin following the temporary construction of three classrooms. All staff, students and administration is will be evacuating the phase 1 sections including the entire elementary wing as well as the library and pre-kindergarten space. Adequate accommodations are being considered and are being finalized.

Estimated Time line is as follows

90% Submission:	Complete
Tender opening:	January, 2016
Mandatory Contractor Site visit 7 days after tender opening	
Tender closing date:	February 2016
Tender review process conclusion:	Late February
Decanting	February, 2016
Tender award:	March, 2016
Construction start date:	March or April

DAF / WRM School Capital Project

Working with Alberta Infrastructure and two other school jurisdictions, the process of comprehensively reviewing a total of 26 submissions for hazardous materials assessment contractors, project surveyors and Prime Consulting architectural firms was completed on December 23, 2015.

Following the broad gaged independent review of each discipline, all submissions were graded and a contractor selected. Formal notifications are in progress.

I.3. Associate Superintendent of Finance and Operations Report

Phil Johansen provided a December 2015/January 2016 update to the Board as follows:

- Working with tenders for upcoming new school modernization projects
- Working with the LDS in Barnwell to lease space in their facility during the Barnwell modernization decanting.
- Working with ERHS on their proposal to purchase a bus for their school that was previously owned by a service club in Milk River
- Jason Miller, Director of Finance, provided a September 1st to December 31st, 2015 financial report to the Board

I.4 Associate Superintendent of Programs, Services and Human Resources Report

Clark Bosch provided a December 2015/January 2016 update to the Board which included the following information:

- The Family School Liaison Counselling and Family Connections Teams will be hosting their first Spark Fair on April 27, 2016 at the Taber Civic Centre. This event will be open to students aged 10 – 12. The intent of this fair is to help students learn how to become engaged in events, programs and their community and to open up opportunities for youth to explore their “Spark”. Youth will be connected with an adult “Spark” champion where they will help connect them to their “Spark” within their communities.
- On January 29, 2015 D.A. Ferguson (along with Joy Ohashi with the Native Counselling Services of Alberta) will be presenting information on the Truth and Reconciliation Commission (TRC). The objective of the TRC is to “Witness, support, promote and facilitate truth and reconciliation events at both the national and community levels”. She will be speaking about the work they have been doing in terms of resiliency, insights into First Nations culture and how aboriginal students can be better supported.
- There will be a Hutterian Elders’ meeting taking place on Thursday, February 11th at Division Office
- Noted that effective immediately, Pre-K programs will no longer be licensed and Horizon will now be administering the programs internally, ensuring the same standards of safety for the students. It was also added the Pre-K and Kindergarten registration information will be forthcoming in the next couple weeks
- New staff hires and mid-point teacher evaluations
- Mr. Bosch will be meeting with principals over the course of the next few weeks to discuss 2016-2017 enrollment projections
- Presented a Teacher Evaluation and Instructional Leadership PD Session at the January Administrators’ meeting

I.5 Associate Superintendent of Curriculum and Instruction Report

Amber Darroch’s report was enclosed in the agenda and included the following information:

KEY ACTION AREA #1:

Ensure core instruction that enhances the development of student competencies (Ministerial Order #001/2013) and incorporates relevant, meaningful, engaging, hands-on, and interdisciplinary learning experiences.

- Literacy Instruction – Sue Jackson, a national speaker and presenter from Scholastic Education Canada, facilitated an excellent session for 30 teachers on January 14 to examine the essential elements of comprehensive literacy instruction at each grade 1 through 9.
- Assessment – A dozen teachers and administrators attended a session on January 18 to overview an electronic portfolio tool called FreshGrade. This web-based software allows teachers to quickly upload a comment, photo, sound clip, or video to an individual or group of student portfolios.

KEY ACTION AREA #2:

Employ a Response to Instruction and Intervention Framework for teaching and learning to improve literacy and numeracy proficiency and enable all students to reach higher levels of academic achievement.

- Response to Intervention – Both Directors of Learning attended collaborative meetings with Warner and Chamberlain staffs to strategize how to meet the needs of individual students who are not experiencing success with core instructional strategies.

KEY ACTION AREA #3:

Increase parent and community engagement through reciprocal and collaborative relationships.

- Wellness Fund Project – Horizon’s successful Alberta’s Wellness Fund application is now being put into action. Early initiatives include funding groups of students from four Horizon schools to attend the Healthy Active School Symposium on February 9, and the Director of Learning and a teacher representative attending the Shaping the Future Symposium (EverActive Schools) on January 28th and 29th.
- Low German Mennonite Liaison – The Liaison Worker reports that a number of farm labourers facing unemployment this winter have remained in the area rather than heading south to Mexico for the winter. This has helped stabilize school attendance for the children in those families. Tracking has also been

completed with current and recently graduated students to monitor local businesses and organizations where they are employed.

Leadership Practices

- Leadership Cohort – The cohort on the evening of January 14th and explored leadership strategies related to promoting student discipline (facilitated by Clark Bosch) and the characteristics of highly effective principals.

Correspondence

No items of discussion came forward from Correspondence as provided in Enclosure 11 of the agenda.

COMMITTEE ITEMS

Moved by Jennifer Crowson that the Board meet in Committee.		COMMITTEE
	Carried Unanimously	19/16
Moved by Rick Anderson that the meeting reconvene.		RECONVENE
	Carried Unanimously	20/16
Moved by Bruce Francis that the meeting adjourn		MEETING
	Carried Unanimously	ADJOURNED
		21/16

Marie Logan, Chair

Barb McDonald, Secretary

HORIZON SCHOOL DIVISION No. 67

6302 – 56 Street Taber, Alberta T1G 1Z9
Phone: (403) 223-3547 1-800-215-2398 FAX: (403) 223-2999

The Board of Trustees of Horizon School Division No. 67 held a Special Board Meeting on Monday, January 25, 2016 beginning at 1:00 p.m.

PRESENT: Marie Logan, Board Chair (Recording Secretary)
Bruce Francis, Board Vice Chair
Rick Anderson, Derek Baron, Jennifer Crowson, Blair Lowry, Terry Michaelis

Waiver of Notice of Special Meeting and Special Meeting Agenda Attached

Moved by Jennifer Crowson that the Board approve the Special Meeting Agenda as contained in the Waiver of Notice of Special meeting.

Carried Unanimously

AGENDA
APPROVED
22/16

The Board reviewed and discussed the circumstances leading to, and information shared by parents at the January 23, 2016 Warner Hockey School parent meeting.

Moved by Terry Michaelis that the meeting Adjourn – (3:00 p.m.)

Carried Unanimously

MEETING
ADJOURNED
23/16

Chair

Secretary

WAIVER OF NOTICE OF SPECIAL MEETING

In accordance with the provision of Section 67 of the *School Act*, Chapter S-3, 2000 and amendments thereto, we, the undersigned hereby waive notice of a Special Meeting held on Monday, January 25, 2016 commencing at 1:00 p.m.

AGENDA

1. Warner Hockey Program

Signed: _____ January 25, 2016
Marie Logan, Chair

Signed: _____ January 25, 2016
Bruce Francis, Vice-Chair

Signed: _____ January 25, 2016
Rick Anderson, Trustee

Signed: _____ January 25, 2016
Derek Baron, Trustee

Signed: _____ January 25, 2016
Jennifer Crowson, Trustee

Signed: _____ January 25, 2016
Blair Lowry, Trustee

Signed: _____ January 25, 2016
Terry Michaelis, Trustee

PAYMENT OF ACCOUNTS REPORT

Board Meeting - February 23, 2016

General	January 12/16		435441.77
General	January 14/16		20963.46
General	January 19/16		53,220.42
General	January 25/16		178,042.41
U.S.	January 26/16		4,881.94
General	January 27/16		1,207,947.92
General	February 3/16		43,573.93
General	February 9/16		401,728.09
General	February 11/16		73,689.36
"A" Payroll	January 2016	Teachers	1,657,708.50
	January 2016	Support	578,722.14
"B" Payroll	January 2016	Casual	12,897.25
	January 2016	Subs	63,278.91
Total Accounts			4,275,690.87
Board Chair			
PJ:dd			
February 22/16			

HORIZON SCHOOL DIVISION NO. 67**POLICY HANDBOOK**

Policy Code: IHG
Policy Title: Respecting Human Rights
Cross Reference: IFC, IHF
Legal Reference: School Act 16.1, Canadian Charter of Rights and Freedoms, Alberta Human Rights Act
Adoption Date:
Amendment or Re-affirmation Date:

POLICY

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION IS COMMITTED TO PROTECTING THE RIGHTS OF ALL MEMBERS OF THE SCHOOL COMMUNITY AS IS GUARANTEED UNDER THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*, *ALBERTA HUMAN RIGHTS ACT*, AND *ALBERTA SCHOOL ACT*. THE BOARD BELIEVES ALL STUDENTS AND STAFF HAVE THE RIGHT TO LEARN AND WORK IN AN ENVIRONMENT FREE FROM DISCRIMINATION AND HARASSMENT. THIS INCLUDES DISCRIMINATION AND HARASSMENT GROUNDED IN A PERSON'S ACTUAL OR PERCEIVED SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION. THESE RIGHTS SHALL BE PROTECTED SO THAT ALL MEMBERS OF THE SCHOOL COMMUNITY MAY WORK TOGETHER IN AN ATMOSPHERE OF MUTUAL RESPECT.

GUIDELINES

1. The Board's regulations are founded on the following principles:
 - 1.1. The rights and needs of all students, staff, and families need to be respected
 - 1.2. Students, staff, and families with diverse sexual orientations, gender identities and gender expressions have the right to:
 - 1.2.1. Be treated with dignity;
 - 1.2.2. Be open about who they are, including expressing their sexual orientation, gender identity or gender expression without fear of discrimination and/or harassment;
 - 1.2.3. Have the right to privacy and confidentiality; and
 - 1.2.4. Are actively included in the collaborative decision-making process that supports their rights and needs.
2. The Board is committed to implementing measures that will:
 - 2.1. Provide supports that respond to a student's individual needs.
 - 2.2. Respect an individual's right to self-identification.
 - 2.3. Maintain school records in a way that respects privacy and confidentiality
 - 2.4. Ensure dress codes respect an individual's gender identity and gender expression.
 - 2.5. Minimize gender-segregated activities.
 - 2.6. Enable all students including those with diverse sexual orientations, gender identities and gender expressions to have safe and respectful participation in curricular and extra-curricular activities.
 - 2.7. Provide access to washroom and change-room facilities that meet individual's needs.
 - 2.8. Provide professional learning that builds the capacity of staff to understand and support diverse sexual orientations, gender identities and gender expressions.

This DRAFT policy contains preliminary information not yet shared with either the Board of Trustees or Policy Committee. Please do not copy, distribute, or take action relying on it.

Policy IHG – Respecting Diverse Sexual Orientations, Gender Identities and Gender Expressions, Cont’d.

- 2.9. Use a comprehensive whole-school approach to promote healthy relationships and prevent and respond to bullying behaviour.
- 2.10. Ensure students have the understanding, skills and opportunities to contribute to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and positive sense of self.
- 2.11. Ensure all families are welcomed and supported as valued members of the school community.
- 2.12. Ensure that school staff have work environments where they are protected from discrimination based on their sexual orientations, gender identities and gender expressions

REGULATIONS

1. LEADERSHIP

The Principal shall:

- 1.1. Ensure staff know their professional responsibility when dealing with discriminatory attitudes and behaviours, and creating caring, respectful and safe learning environments;
- 1.2. Ensure awareness and adherence to all district policies with respect to diversity, equity, human rights, sexual orientation, gender identity, gender expression, discrimination, prejudice, and harassment;
- 1.3. Address requests for supports on a case-by-case basis
- 1.4. Ensure staff are inclusive, and respectful of diverse sexual orientations, gender identities, and gender expressions;
- 1.5. Provide inclusive and respectful services and supports to students and families with diverse sexual orientations, gender identities and gender expressions
- 1.6. Ensure staff work proactively address systemic inequities and barriers to learning for students with diverse sexual orientations, gender identities and gender expressions;
- 1.7. Support the establishment of Gay-Straight Alliances (GSAs), or similar student support groups, at educational settings offered within the District, where interest by students has been expressed;
- 1.8. Identify a staff member to serve as a safe contact for students with diverse sexual orientations, gender identities and gender expressions;
- 1.9. Ensure staff will not refer students to programs or services that attempt to change or repair a student's sexual orientation or gender identity;
- 1.10. Ensure discriminatory behaviours and complaints will be taken seriously and dealt with expeditiously; and
- 1.11. Ensure staff respect students' and family's with diverse sexual orientations, gender identity and gender expression's right to confidentiality with regard to unwanted disclosure to other staff and/or students.

2. STAFF

Staff shall:

- 2.1. Share responsibility for creating and maintaining a work environment that is free of discrimination and harassment.
- 2.2. Respond to complaints of discrimination and harassment based on sexual orientation and gender identity as per jurisdiction policy.
- 2.3. When needed or requested, help students (and/or their family) to access the designated key contact within the school and/or identify and access appropriate resources and supports beyond the school.

This DRAFT policy contains preliminary information not yet shared with either the Board of Trustees or Policy Committee. Please do not copy, distribute, or take action relying on it.

- 2.4. Utilize provincial and locally approved teaching and learning resources that respect Canada’s diversity including families with diverse sexual orientations, gender identities and gender expressions.

3. GENDER IDENTITY AND GENDER EXPRESSION

To support the rights and needs of students/staff who identify as, or are perceived to be, transgender or transsexual persons, jurisdiction staff shall adhere to the following recommended practices wherever possible and appropriate:

- 3.1. **Names and Pronouns**- Individuals have the right to be addressed by a name and pronoun that corresponds to his or her consistently asserted gender identity.
- 3.2. **Official Records and Communication** - When requested by an independent student, or the parent/guardian, the student's school record and school issued documents will be changed to reflect their preferred name and/or gender. Note: a legal name change is required for official Alberta Education documents to reflect a new name.
- 3.3. **Gender-Segregated Activities** – To the extent possible, schools should reduce or eliminate the practice of segregating students by gender within curricular activities.
- 3.4. **Locker Room, Change Room, Rest Room Access and Accommodation**
 - 3.4.1. Student athletic policies are to be inclusive in ways that are comfortable, respectful, and supportive for all students to the best extent possible.
 - 3.4.2. All students who desire increased privacy, regardless of the reason (e.g. medical, religious, cultural, gender identity, gender expression) shall, to the best extent possible, be provided with accommodations, that best meet their individual needs and privacy concerns (e.g. access to a non-gendered, single-stall washroom).
 - 3.4.2.1. Staff shall consistently demonstrate sensitivity to the needs and safety of all students with respect to restroom access.
 - 3.4.2.2. The Principal shall ensure that individual solutions to restroom access are implemented with respect and discretion.
- 3.5. **Dress Code** - All students have the right to dress in a manner consistent with their gender identity or gender expression.
- 3.6. **Resolving Conflict** - The Principal shall be the final determiner of disputes that may arise with regard to this policy. The principal shall ensure that the resolution of any conflict ensures reasonable accommodation and inclusiveness.

**Questions and Answers:
Regarding: Respecting Human Rights**

Treating students with dignity, being open about who students are, safe and respectful participation in curricular and extra-curricular activities, and providing supports to a student's individual needs have always been priorities for Horizon schools, whether we are dealing with students from single parent homes, religious homes, diverse cultures, or homes with diverse sexual orientations, gender identities or expressions.

For instance:

- parents who feel strongly about their daughters wearing a long dress rather than shorts during elementary physical education classes are permitted to do so.
- Single parents students residing with their dad who ask if they can make a Mother's day card for their father are encouraged to do so just as students with two mothers are encouraged to create two cards if this so desire.
- Schools often provide accommodations or alternative activities for students of families who don't wish to partake in school based activities because of religious reasons; e.g. schools may organize a traditional Halloween party and provide an off-campus activity for those who choose not to partake in the Halloween activities.

Policy IHG is not about a new phenomenon or new children that will not be attending our schools. Students with diverse sexual orientations, gender identities, and gender expressions have been living within Alberta and attending provincial schools for years. School administration and teachers have been working with families in safe and respectful ways and working to meet the needs of these students for years to ensure that they too feel welcomed, cared for, respected, and safe, as all students should be.

LGBTQ individuals are not the first group who has demanded to be treated equally. For instance it was not that long ago when African American's were demanding the right to attend schools along with white students and the right to sit anywhere on public transport. The woman's movement is another example that resulted in woman being declared "persons" in 1929. It was not until the seventies following the Royal Commission on the Status of Women that steps were taken federally to ensure equal opportunities for women in all aspects of Canadian society.

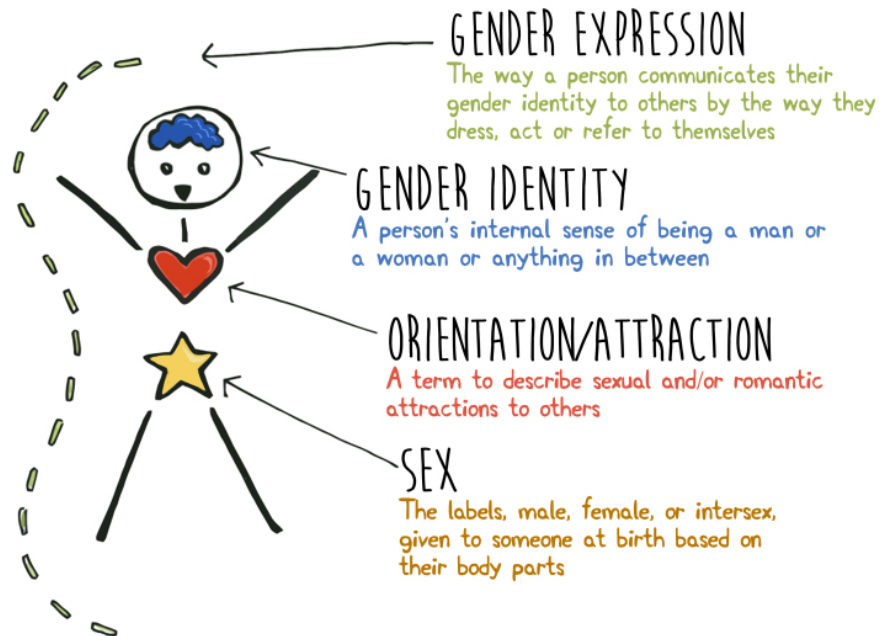
We recognize that the provincial governments legislation which protects diverse gender expression and gender identity from discrimination and the government's directive to school jurisdictions (e.g. develop a policy to ensure all children are welcomed, cared for, respected, and safe including those diverse sexual orientation, gender identity and gender expression) has generated parental questions as to what this means for their children and their families. As such, we have developed a Q and A that may provide insight into what Policy IHF means for you and your family.

Q & A

Q: What's the difference between sexual orientation, gender identity, and gender expression?

A: **Sexual orientation** refers to one's attraction to another person. **Gender identity** refers to someone's sense of self as "male/masculine," "female/feminine," or somewhere in between. **Gender expression** refers to the way people communicate their gender to others by the way they dress, act, and/or refer to themselves.

The following visual guide was created by the Calgary Sexual Health Centre and helps clarify the distinctions



Q: Why are we focusing on policy and procedure for such a small minority of students?

A: In addition to following the direction given to our Board by the Minister of Education, supporting vulnerable students is the right thing to do. Creating focused policy to protect vulnerable groups is a commonly used strategy. Statistics support that transgendered students do not feel safe at school and are at a significantly higher risk of attempting suicide.

Q: Who decides what is taught in Alberta schools?

A: The curriculum in Alberta schools is developed by Alberta Education and all public and separate schools within the province are expected to teach students the same curricular outcomes.

Q: Are our children going to be less safe at school than they have been in the past?

A: No. We remain committed to ensuring that all our schools provide for learning environments that are safe, caring and inclusive of the needs of all students. We will continue to ensure concerns about discrimination, harassment and bullying are addressed promptly and appropriately.

Q: Are the beliefs of one group of our population more valued than the beliefs of another group of our population?

A: No. Diverse beliefs and opinions can, and will continue, to exist. Diversity can make our schools better when everyone is able to hold their own beliefs while at the same time being respectful of others who's beliefs may differ from their own.

Q: Will the school do away with the terms "Mother", "Father", "Mr." and Mrs"?

A: No, the jurisdiction will continue to use these terms to refer to individuals. However they are not appreciated by all or include all. When schools send home letters it is already common to start the letter of with "Dear: parents/guardians" to acknowledge the fact that not all students live with their parents. We will continue to respect parents and guardians wishes as to their chose of names. For instance, not all married women take their husbands last name and as such we acknowledge both names (e.g. Dear: Mr. Smith and Ms. Johnson, rather than Dear: Mr. and Mrs. Smith).

Q: Will my child be able to change their name without me knowing it?

A: No, children's legal name will continue to be recorded on all legal documents. However we already acknowledge and respect that many people do not necessarily go by their full legal name. For years there have been students who shorten their first names (e.g. Robert goes by Bob), go by their middle name, and foreign students who give themselves an English name because we struggle pronouncing their name. When interacting with students on a daily basis we typically refer to students using the name that they go by on a daily basis.

Q: Will students be able to wear whatever they want?

A: No, schools will continue to have dress codes that address appropriate and respectful attire. For instance students cannot wear clothing with derogatory, vulgar, sexual comments or graphics, or come to school scantily dressed. We continue to respect parents' rights with regard to their children's attire and do not make rules about what students must wear. (e.g. we do not say that all elementary girls must wear long dresses down to their ankles) as this is a parental matter.

Q: Will overnight trips now be co-ed and will hotel rooms be co-ed?

A: Schools have in the past and will continue to have co-ed trips (e.g. high schools organize international trips, have co-ed outdoor education trips, and some athletic teams are already co-ed: football, golf, cross country). When trips are co-ed, schools have co-ed supervisors and hotel rooms are not co-ed. When students are openly gay or transgender we would arrange accommodations that are respectful and acceptable to the students and families of those involved: this may include single occupancy rooms for instance.

Q: Will the jurisdiction be implementing all new learning resources that promote diverse sexual identity and expression?

A: No, the jurisdiction will continue to utilize current learning resources. We are committed to utilizing resources that are not discriminatory. Typically as new curriculum is introduced provincially, learning resources are either approved at a provincial level or at a jurisdictional level to ensure that the content is appropriate and respectful. This will continue to be the case.

Q: Will bathrooms have adult supervisors?

A: Student conduct expectations are the same whether students are in class or out of class. We recognize that hallways and washrooms can often be sites of bullying. As such, staff strive to be visible and monitor hallways during breaks when students utilize bathroom facilities. When concerns are brought forward regarding bathroom incidents, teachers and/or school administration intervene with regard to behavior expectations and consequences for inappropriate behaviours may be instituted (e.g.

detention, suspension, and/or other measures: two students may be restricted from using the same bathroom at the same time). It is not our expectation that staff be present in bathrooms or change rooms for supervision purposes.

Q: Can students legally access any washroom?

A: No, schools have student conduct expectations and are legally required to ensure safe environments for all students. Creating a “free-for-all” bathroom policy would not foster a welcoming, safe, respectful, or caring environment. Students who enter the wrong bathroom will continue to face disciplinary measures. Students seeking accommodations should request such accommodations from school administration and solutions will be based on a case-by-case basis while respecting the needs of all students. This may for instance mean providing access to non-gendered single stalled washrooms in a discrete and respectful manner. This is not a new phenomenon. We have been providing such accommodations for students for years (e.g. medical conditions-colostomy bag)

By the time a transgender student requires use of a different bathroom staff will have already been made aware of the student’s needs. This is not something that happens in a single day, but an ongoing process. If a youth comes to school and requests to use a different washroom, the school staff and the parents would need to discuss the situation with the youth to determine if they in fact need support or if they were acting disrespectfully. In either situation, there would be procedures to address the youth accordingly.

Q: Can students legally access any change room?

A: No, similar to the answer above, students accessing the wrong change room will continue face disciplinary measures as in the past. Current jurisdiction practice includes providing accommodations for students and families who request accommodations and this will continue (e.g. a student may feel uncomfortable changing in a group setting because of religious or cultural reasons, or because of biological reasons – only child who has yet to reach puberty). In such cases, alternative options such as provision to other change room location may be implemented on a case-by-case basis that respects the needs of the individual while meeting the needs and rights of all students.

Q: What will bathroom and change room policies look like when athletic teams leave the jurisdictions or access public washrooms?

A: The school jurisdiction only has the ability to set policy and expectations for our own washrooms. When students leave the jurisdiction, the owners of the facility students are attending set their own policies. For instance in shopping malls, some have non-gender single-stall bathrooms that include access for handicapped individuals and some have handicapped accommodations built into both the male and female washrooms. As guests we typically abide by the policies of the establishment we are visiting (e.g. when travelling to Central American countries we do not flush toilet paper).

Q: I disagree with diverse sexual orientations, gender identity, and/or gender expression. Will schools be respectful of my opposing viewpoint?

A: There are diverse viewpoints within society and schools strive to create environments that respect diversity and foster a sense of belonging. We do not however tolerate discrimination (e.g. negative treatment and/or hatred towards different races, religions, gender, or gender expression).

Q: Will the school be providing counseling to my child without my knowledge or approval?

A: Horizon’s Family School Liaison Counseling program has been providing counseling to our students for over 20 years. While students are able to access counselors for a consult without parent approval,

parents must provide formal approval prior to students receiving ongoing counseling. While much of what is discussed in counseling sessions remains confidential, conversations will, depending on the reasons for accessing counseling, include the importance of open communication and family involvement. Parents and students need to know that there are times where on a need to know basis confidentiality will be broken (e.g. disclosure of sexual abuse and/or threats of self-harm).

Q: Will you be encouraging my child to explore their sexuality.

A: No, it is one thing to accept differences and prevent bullying (no matter the group involved). It is entirely another to promote and endorse.

Q: Will the jurisdiction take away the authority of parents as the primary educator and isolate parents from their own children?

A: No, parent involvement is paramount and the jurisdiction will continue to work collaboratively with parents when educating their children. Not all parents however have the same right (e.g. court orders that provide sole guardianship). When children come forward seeking support (e.g. depression, anxiety) our primary goal is to provide such support within a team atmosphere that includes the family. It is also important to recognize that some students struggle with their family dynamics and feel unsafe at home, feelings which may impact our ability to fully involve the family.

January 27, 2016

The Lethbridge School District No. 51 Board of Trustees has taken another step towards eliminating basic school fees at the secondary level.

Today, the board unanimously approved a motion to do away with basic school fees for students in middle school and high school, effective the 2016/2017 school year. Precedent for eliminating basic school fees was set a number of years ago, in 2011/2012, when the Board of Trustees eliminated the elementary school fees.

The elimination of such fees will save families \$53 per middle-school student, and \$70 for each student in the family currently attending high school. Prior to the 2011/2012 year, the District charged a school fee of \$41 for elementary-school students. The basic district school fee was assessed to students to cover costs of basic supplies and materials provided by the school, including textbook rentals.

Fees will continue to be charged for courses at middle and high schools which require materials over and above basic supplies, for courses such as Art and Foods, for example, along with fees for several extracurricular activities.

Wilco

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From: "Councillor Bill Chapman" <bchapman@coaldale.ca>

Sent: Sunday, February 7, 2016 1:58:41 PM

Subject: Resolution of Support for ARCP Grant Application submission by Town of Pincher Creek on behalf of the Highway 3 Economic Development Association

Good morning,

At the regular meeting of the Highway 3 Economic Development Association held on Friday, February 5th, a Motion was passed to request all Municipalities along the Highway 3 corridor to pass Resolutions of Support for a Grant Application being submitted by the Town of Pincher Creek, for the Highway 3 EDA.

This Application is being submitted for a Regional Collaborative Grant to be used to fund a project by the Highway 3 Economic Development Association to research and collect data, and to update previous studies done 15 years ago to a current state, along the Highway 3 Corridor.

Alberta Transportation measures their assets for optimum lifetime performance in terms of safety, economics, environmental sustainability and innovativeness. The compilation of the data will be utilized as a tool for the Government of Alberta to consider in funding the Twinning the remaining 220 kilometers of Highway 3.

Attached is the Sample and Wording of the Resolution for your consideration and adoption. It must be submitted by February 24th, to be included in the Grant Application.

We look forward to your favorable response and support through this Resolution.

RESOLUTION

At a regular meeting of the _____ of _____
(Town, Village, etc.) (Name of Municipality)

Held on _____, 2016, the following Resolution was passed:

“BE IT RESOLVED THAT the _____ of _____
(City, Town, Village, etc.) (Name of Municipality)

Supports the Town of Pincher Creek’s application on behalf of the Highway 3 Economic Development Association in support for the application for funding from the Alberta Community Partnership, Inter Municipal Collaboration Grant to update and develop a study for the Economic and Safety Benefits of Twinning Highway 3, and support for the Town of Pincher Creek as applicant and managing partner.

Authorized Representative

Signature

Title

Dated

ADMINISTRATORS' MEETING

Tuesday, October 13, 2015
DIVISION OFFICE – ERIC JOHNSON ROOM

January 12, 2016 Administrators' Meeting – Summary

MEETING CHAIR: Wilco Tymensen
BOARD MEMBER IN ATTENDANCE: Bruce Francis
ATA REPRESENTATION: Linda Virostek

PROFESSIONAL LEARNING

The morning portion of the meeting consisted of professional learning regarding elementary and junior high reporting and specifically an update and feedback session related to the jurisdiction's efforts to discuss best practices for reporting students' achievement to parents.

DISCUSSION ITEMS

- 1. School Safety Plans - Wilco**
School safety plans should not be online so schools are asked to remove them if they've been posted on their websites. Emergency numbers need not be updated within the plan because they are on the inside cover of the red emergency folder. That page can be updated centrally each year and re-distributed. A small committee will look at the whole safety plan document and reduce it to components only necessary and unique for each school. Kelly Schmidt, Alyson Archibald, Angela Miller and Mark Harding will work together on this update. A reminder was shared that schools should do six fire drills and three lockdown practices per year.
- 2. LGBTQ - Wilco**
The Policy Committee met on Monday morning, February 8th, including five student representatives. The goal of the policy is to outline guiding principles to ensure all students are safe and respected and to ensure that we continue to respond on an individual case basis. The expectation is that each school should have a designated safe contact for students with concerns related to LGBTQ. Particular concerns within the policy related to maintaining student confidentiality and access to facilities (washrooms, change rooms) were discussed.
- 3. Staffing Processes – Clark**
A print copy was distributed at the meeting and the electronic communication was shared with all staff. Staff are asked to respond to the survey by Friday, February 12. All responses are confidential and Clark will meet with any staff who would like to discuss possible changes. Some dates are dependent on the release of the provincial budget and will be adjusted if needed.
- 4. Division Wide Upcoming PD Days (March 7th & April 25th) – Amber & Robbie**
March 7th is a full day allocated to Teachers Learning through Collaboration (TLC) groups. Requests for alternative, individual teacher PD will not be approved. Dr. Robin Gibb will be speaking to educational assistant in the morning and will be sharing insights to brain research. Afternoon sessions will include a learning commons session by John Loree for librarians, a variety of sessions for educational assistants (including Children's Allied Health, Key Connections, SAPDC, literacy will also be occurring)

5. **Admin. Leadership Symposium (Waterton – April 21st & 22nd)** – The symposium will include just one night's accommodation (Thursday). Thursday's session will be the first topic from Apple's Leadership for Learning series facilitated by Suhayl Patel. The symposium committee will be called together after teachers' convention to attend to the organizational pieces.
6. **8 Conversations – Roundtable Discussions from January's Meeting** – Wilco
Wilco highlighted the prevailing messages from administrators out of the 8 different round table discussion topics. The priorities and themes identified will inform our decisions as we continue to define and refine business processes and procedures and supports for learning and teaching.

PRESENTATION

Rylee from Family Connections presented on Taber's first "Ignite Your Spark" schedule for April 27, 2016 <https://www.youtube.com/watch?v=TqzUHcW58Us&scrybrkr=e541059b>

INFORMATION ITEMS

1. **Staff Evaluation Documentation (Personnel File)** – Clark
Please add a "cc: Personnel File" at the bottom of any correspondence, including evaluation reports.
2. **Recently approved Policies** – Wilco
 - IGAA – *Use of Physical Restraints*
 - HICA – *Off-Site Activities*
 - Field trip forms for upcoming events which have already been approved will be grandfathered with the past policy. New submissions will be required to comply with the new policy.
 - GAB – *Police Information Checks*
 - A point requiring clarification is to confirm that Jake is responsible for ensuring caretakers brought in by contractors have a Criminal Record Check. Principals will ensure all staff get the self-declaration initially, and Human Resources will track to ensure each employee has submitted theirs.
 - GBD – *First Aid Training*
3. **Purchasing Reminders** - Amber
 - Southern Alberta Computer Consortium
 - Pearson (Including LLI Resources)
 - Administrators were reminded to follow purchasing protocols for the types of goods mentioned.
4. **Price Increase for LLI Boxed Kits** (by June 2016) – Terri-Lynn
Levelled Literacy Intervention resources are published by Heineman out of the US, so we've been warned of an upcoming price increase. If schools anticipate a purchase this school year, please plan to do so before this increase occurs in June.
5. **June Markers for Diploma Exams** – Terri-Lynn
(*Marking & Fee Schedule Attached to agenda*)
6. **CTF Reporting** - Amber
Please support teachers in implementing assessment practices that mirror the outcomes-based report cards we are using. If teachers are entering grades in PowerSchool, schools must ensure these grades are not published on the Parent Portal

or teachers can choose to report achievement using “standards” and select “Acquiring, Applying, or Adapting”.

7. **Architects of Tomorrow – Leadercast** - Clark

On May 6th, Kidsport is hosting the Leadercast simulcast event at \$150 each (lunch included) at Enmax in Lethbridge. The invite has been emailed to principals and includes high profile speakers including Kat Cole, CEO of Cinnabon; Steve Wozniak, Apple; and many others. Please let Clark know if you have registrants so he can facilitate group registration.

8. **Taber and Area Chamber of Commerce** – Murray

The parade will be moved from Canada Day to Cornfest. In seeking to improve civic pride, they are promoting participation from schools, clubs and organizations.

Dates to Remember

ADD: March 17 & 18 (half day on Friday) – Go To Educator Training

Associate Superintendent, Curriculum & Instruction
Report to the Board of Trustees – February 23, 2016

KEY ACTION AREA #1:

Ensure core instruction that enhances the development of student competencies (Ministerial Order #001/2013) and incorporates relevant, meaningful, engaging, hands-on, and interdisciplinary learning experiences.

- Literacy Instruction – Teachers from all schools participated in an excellent professional learning session on January 29th offered by national literacy speaker and trainer, Sue Jackson from Scholastic Education. The Associate Superintendent and both Directors of Learning participated alongside the teachers and are furthering their work to identify best practices for literacy instruction and promote them with all classroom teachers. The Director of Learning (Curriculum & Instruction) continues to work as a coach to individual teachers on practices like guided reading.
- Numeracy Instruction – The Director of Learning (C&I) joined five Horizon teachers for a webinar on “multiplicative thinking” for students from Kindergarten to Grade 6.
- Assessment – All three teacher working groups (Kindergarten, Elementary, and Junior High) met for the second time and arrived at draft report cards ready to share with other teacher and administrator colleagues. The professional development segment of the February 9th Administrators’ Meeting focussed on these draft reporting tools, the rationale behind them, and school leaders’ feedback.
- Dual Credit Initiative with Lethbridge College – Horizon currently has # students enrolled in the Health Care Aide program at the college. They complete their coursework online during the school day, attend on-campus training on scheduled weekends, and complete a summer practicum as part of the program. Alberta Health Services is establishing new criteria for the HCA credential, and Lethbridge College will not be doing an intake of new students for 2016-2017 while this transition occurs.
- Education Technology – The “Tech Guide” at each school serves as the first line of support for any technology concerns staff may have. All Tech Guides participated in a full day session with the Technology Department and Associate Superintendent to share feedback on school-level needs, find out about most recent division initiatives, and consult on future directions.

KEY ACTION AREA #2:

Employ a Response to Instruction and Intervention Framework for teaching and learning to improve literacy and numeracy proficiency and enable all students to reach higher levels of academic achievement.

- Response to Intervention – A couple schools purchased the Fountas & Pinnell Levelled Literacy Intervention materials this month and the Director of Learning (C&I) worked with these schools to review the materials and best practices in using them.
- SIVA Training – The Director of Learning (C&I) co-facilitated SIVA (Supporting Individuals through Valued Attachments) training for 19 staff. SIVA provides a framework for supporting vulnerable students.

KEY ACTION AREA #3:

Increase parent and community engagement through reciprocal and collaborative relationships.

- Jurisdiction Student Engagement Team (JSET) – student representatives from all high schools (Grades 9 through 12) will be participating in a JSET organizational day February 29th.
- Health and Wellness – The Director of Learning attended the EverActive Schools “Shaping the Future” Conference on January 29th and 30th along with a teacher representative from Hays School. The focus of the conference supports priorities and strategies identified in Horizon’s Wellness Fund Project.
- International Education - The International Students and Interns from Korea went and spent a day with the coordinator of International Education and Director of Learning in Castle Mountain where they attempted to learn how to ski for the first time and enjoyed some mountain views. New students from Columbia and from Brazil arrived in January to attend for the second semester. Horizon is hosting one student from Brazil and two students from Columbia attending WR Myers and one student from Brazil attending Vauxhall High School.

Leadership Practices

- CASSIX – The Associate Superintendent continues to serve as secretary on the executive of the Zone 6 CASS. Meetings were held in Cardston on February 4th and 5th.
 - CASS Professional Learning with Simon Breakspear – the Senior Admin Leadership Team and Directors attended a one day work shop on January 28 with speaker Simon Breakspear on agile leadership at the system level. We are incorporating strategies from the session in our work implementing our Three Year Education Plan.
 - Automated Absence and Substitute Management System – In response to the C2 Committee, the pilot of this software was completed with DA Ferguson Middle School and WR Myers High School and is now being extended to all Horizon schools. Communication and training is occurring with school staffs, as well as with substitute teachers who have not been a part of the pilot. The automated system will go live for all schools upon teachers’ return from the Easter Break.
 - University of Alberta Career Fair –Associate Superintendents for Curriculum & Instruction and Programs & Services attended the one day career fair in Edmonton on January 25th to promote Horizon School Division as an employer for beginning teachers.
-



An open Letter to all Students, Staff and Parents of Horizon School Division

Recently the Minister of Education has released a document entitled “Guidelines for Best Practices: Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Expressions and Gender Identities” (<https://education.alberta.ca/media/1626737/91383-attachment-1-guidelines-final.pdf>). This document is intended to assist school authorities as they modify their policies to meet recent policy shifts in the Alberta Human Rights Act, Alberta Bill of Rights, and the provincial School Act. Every school jurisdiction within the province, whether public, separate, or private/Christian is required to amend their policies to comply with the changes in legislation and submit their modified policies to the Minister by March 31, 2016.

There seems to be some confusion with the public regarding requirements for policy that have been given to school jurisdictions by the Minister of Education. The essence of the policy shift is that all schools have a legal obligation to ensure that every student is provided with a welcoming, safe, respectful, and caring learning environment that respects diversity and fosters a sense of belonging.

Media focus has been predominantly on the notion of washroom and change-room access and has created questions and concerns for parents as media has communicated that any male will now be able to go into any female washroom, when in fact the focus of the shift is on providing safe access to washroom and change-room facilities.

I would like to reassure the public that the government’s guidelines for best practice are just that; guidelines and 12 best practices. It is our intention to utilize these guidelines to engage students, staff, school councils, and other stakeholders to inspire dialogue about how we can ensure all students and staff are treated with dignity and respect and how we can actively include individuals in collaborative mutually supportive and interdependent decision-making.

Similar to all jurisdictions across the province, we will be reviewing our policies (Policy IFC - *Student Conduct* and Policy IHF - *Welcoming, Caring, Respectful, and Safe Learning Environments*) and drafting a new policy; IHG - *Gender Expression and Identity* that complies with legislation while acknowledging local context with regard to the level of detail and specificity around the guidelines.

The Board of Trustees of Horizon School Division is committed to providing a welcoming, caring, respectful, and safe learning environment that respects diversity, fosters a sense of belonging, and promotes student and staff well-being. We believe that the best way to do this is to take a whole-school approach that promotes healthy relationships and prevents and responds to bullying behavior. In such an approach issues are addressed on a case-by-case basis and solutions are evidence-informed and individualized to best meet the needs of the student making the request rather than a mandated black and white approach which may not meet anyone’s needs.

The initial opportunity for students, staff, and parents to provide feedback is through the policy committee. Once policy IHG is drafted and goes to the Board for first reading (February 23, 2016), we will be sending the policy out for further feedback and welcome your thoughts and comments.

Those wishing to review the policy will be able to find it in the February Board Agenda available on the Horizon School Division website as February 23rd approaches.
(<http://www.horizon.ab.ca/view.php?action=documents&id=827>)

Sincerely,

Dr. Wilco Tymensen



Education Law Reporter

Online Research Services

Vol. 27, No. 6, February 2016

Elementary & Secondary

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STUDENTS and THE LAW

School Choice Not an Absolute Right

Facts

Mathis Filiatrault (Mathis) is a 12-year-old Grade 6 student. He attended L'École Léopold-Carrière (the School) from kindergarten through Grade 5. When he started at the School, his address was 236 Plains Les Coteaux. In February 2015, school administration sent parents a partially completed registration form for Grade 6, indicating the address for Mathis was 236 Plains Les Coteaux. At the top of the form, it indicated "We ask you to check if all the information is correct and make any corrections directly on the form, if any." At the bottom of the form, in bold uppercase letters, were the words

IT IS IMPORTANT:

DE COMPLÉTER LA SECTION "AUTRES RENSEIGNEMENTS" AU BAS DU FORMULAIRE; COMPLETE THE SECTION "OTHER INFORMATION" AT THE BOTTOM OF FORM;

(...) (...)

SI VOUS DÉMÉNAGEZ AU COURS DES PROCHAINS MOIS, COMPLÉTEZ CETTE PARTIE IF MOVING OVER THE NEXT FEW MONTHS, COMPLETE THIS SECTION

Céline Filiatrault, Mathis' mother, denies receiving the form.

In April 2015, the Director of the School sent out a letter to all parents advising that there was a surplus of 8 students in the 2015-2016 Grade 6 class. Another parent complained that Mathis was no longer living at 236 Plains Couteaux. Mathis was asked where he was living, and was advised that he now lived in Saint-Zotique. The Director checked the assessment rolls and determined that this had been his address since December 2013. Céline F was advised that Mathis now lived outside the area served by the School and could not be registered for the 2015-16 school year.

Ms. Filiatrault gave several reasons for the change of address. She said that she sold her residence at 236 Plains Les Coteaux and eventually purchased another residence in Saint-Zotique, but claimed that she and Mathis "normally" reside with her partner at 266 Plains Les Coteaux, and have since January 1, 2015. In response, she was sent a form entitled "School Change Request," along with the

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suggestion that she fill it out and, if a place came available at the School, Mathis might be re-admitted.

In June 2015, Ms. Filiatrault received a call advising her that Mathis was to be transferred to the Coteaux-du-Lac school, on the basis of his residence in Saint-Zotique.

Cause of Action

Ms. Filiatrault filed an application for review of the school's decision to transfer Mathis to Coteaux-du-Lac. Her application was considered by the Review Committee, which eventually affirmed the school's decision.

This was an application for judicial review of that decision.

Decision

The application was denied.

Reasons

Mathis had been attending the Coteaux-du-Lac school since September of 2015 and is, according to the school, well-integrated. No difficulties were reported. Ms. Filiatrault claimed that Mathis had always gone to L'École Léopold-Carrière and had since kindergarten. All his friends went there, and it was within walking distance of 266 Plains Les Coteaux where, she insists, they lived at the relevant time. She took the position that Mathis met all the criteria for admission to L'École Léopold-Carrière and had the right to be registered there. In support of this, she relied on s. 4 of the *Education Act*, which provides:

4. The student or, if a minor, his parents have the right to choose, every year, among the schools of the school board to which he belongs and which provide services to which he is entitled, that best meets their preference.

The exercise of this right is subject to listing criteria established under section 239, when the number of applications for enrollment in a school

exceeds the school's reception capacity ...

“...while parents have the right to choose which school they want their children to go to (within the area served by the school board in whose district they reside); this right is subject to the enrolment criteria set by the school board.”

Section 239 states:

239. The school board shall enroll students in schools in accordance with the choice of parents of the pupil or the pupil. However, if the number of applications for enrollment in a school exceeds the school's capacity, registration is done according to the criteria established by the school board ...

School Boards have the authority to determine enrolment criteria and to decide which students meet those criteria. In setting the criteria, they are to take into account the preferences of parents. On the other hand, while parents have the right to choose which school they want their children to go to (within the area served by the school board in whose district they reside); this right is subject to the enrolment criteria set by the school board. In short, school choice is not an absolute right.

A student's residence is defined under the *Education Act* as being “where the student usually lives.” In the case of shared custody, the address used will be the official address of the custodial parent. Residence is determined at the time of registration and remains in effect for the entire school year.

In this case, registration and enrolment for the 2015-2016 school year began on February 2, 2015. The school's infor-

mation was that, at the time, Mathis and his mother lived in Saint-Zotique. This was their “official” residence. Mathis was, accordingly, enrolled at Coteaux-du-Lac. When the school board learned that Celine and Mathis were in fact living at Plains Les Coteaux, Mathis had the opportunity to apply to L'École Léopold-Carrière again, where he would be admitted *if space became available*.

The nature of Ms. Filiatrault's application was an application for mandamus, that is, an Order compelling a public body to perform a duty it is required to perform under the law – in this case, it was alleged, the duty to allow Mathis to return to L'École Léopold-Carrière. In practical terms, however, the application was subject to the same kind of limitations as an application for judicial review of the school board's decision would be in one of the common-law provinces.

Accordingly, the Court first looked at its jurisdiction to make an order in these circumstances. Case law from the Quebec Court of Appeal and the Supreme Court of Canada make it clear that it is not for the Court to interfere in administrative decisions unless there is evidence of fraud, arbitrariness, manifest error, bias or illegality – in short, unless the decision is contrary to what other provincial courts would refer to as the “principles of natural justice.”

Ms. Filiatrault adduced no evidence to suggest the school board, in transferring Mathis to Coteaux-du-Lac, was acting improperly or outside the scope of its jurisdiction. Ms. Filiatrault was unable to provide acceptable proof that, as of February 2, she and Mathis were living at 266 Plains Les Coteaux. There were too many students in Mathis' class, and the school and the school board had the right to override the parent's school preference and transfer Mathis to another school.

Filiatrault c. École Léopold-Carrière, [2015] J.Q. no 13229; 2015 QCCS 5660

Authored by
Hilary Stout LL.B., LL.M.



Parents Have Claim for Bogus Church School

Facts

Yvon Largess (“Yvon”) and Louise Provonost (“Louise”) are the parents of Alexandre and Antoine Largess. The Word of Life Church (the “Church”) is a not-for-profit corporation and the individual defendant, Michael Welch, is the Pastor of the Church. The Largess family joined the Church and became very close to Pastor Welch. At some point, Welch told them about the Church’s self-directed homeschool learning program, called the Dominion Christian Academy (“DCA”). In 2007, Yvon and Louise enrolled Alexandre and Antoine at DCA. They believed it to be a private elementary and secondary school operated by the Church in conformity with Ontario provincial education standards. It costs \$495 per month.

In 2011, Alexandre applied to the Canadian Army Reserve. To do so, he had to provide a transcript of his secondary school marks. He did so, at which time the Largesses discovered that DCA is not recognized by the Ontario Ministry of Education (OME). Consequently, Alexandre’s application was refused.

In order to get into a post-secondary program, Alexandre had to enrol in an adult school and complete three years of high school credits.

Cause of Action

The Largess family sued the Church and Welch, claiming they relied on them, to their detriment, in enrolling Alexandre and Antoine in the DC. They claim they were misled by the Church and that that Welch violated a fiduciary duty owed to them by not telling them that the DCA was not a valid school.

Welch applied under Rule 21.01 of the Ontario *Rules of Court* to have the pleadings against him struck, on the basis that they disclosed no reasonable cause of action against him.

Decision

The application was dismissed. The pleadings included allegations against Welch independently from the Church.

Reason

The test for a dismissal under Rule 21.01 is whether or not the pleadings reveal a cause of action against the defendant. The Rule is not applicable to settle a question of law where material facts are in dispute.

In their Statement of Claim, the Largesses pled that Welch was the sole directing mind of the Church, such that he was, in essence, the Church itself (despite the fact that there is also a Board). They also pled that Welch himself may have been the only person who knew the DCA was not a valid school, and that he misled them into believing it was. They also claimed that Welch owed them a fiduciary duty, as their Pastor, which he breached by misleading them.

As a general rule, an organization that has been incorporated has its own legal identity. It is considered to be a person, separate from the people who own it, or run it, or work for it. The actions of such people, carried out in the ordinary course of operating the corporation, are legally the acts of the corporation, not those of the individuals themselves. This separation is referred to as “the corporate veil.” In order to ‘pierce’ the corporate veil, and sue an individual who is part of the corporation, it must be shown that the person is the corporation’s sole directing mind, or that the person engaged in some wrongful acts in their own capacity, rather than as an agent for the corporation.

In this application, the defendants argued that a director of a corporation (like Welch) cannot be held responsible

for the actions of the corporation unless the plaintiff can show the director was acting on his own.

The Largesses took the position that their Statement of Claim included several allegations against Welch directly, including a claim for breach of fiduciary duty. Only an individual, or ‘real person’, can owe another a fiduciary duty.

The Court agreed, noting that “it is difficult to conceive of the religious leader of a church not owing a fiduciary duty to his parishioners.” Moreover, the losses suffered by the Largess family go beyond mere financial losses. In their pleadings, the plaintiffs claim to have suffered damage to their “feelings, self-esteem, and emotional well-being” as a result of the breach of their relationship of trust with their pastor.

In short, there was a cause of action made out against Welch personally in the pleadings. The application was therefore dismissed and the matter will proceed as against both the Church and Michael Welch, personally.

Largess v. Word of Life Church (Ottawa/Hull), [2015] O.J. No. 5984 2015 ONSC 6612

Authored by
Hilary Stout LL.B., LL.M.



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TEACHERS and THE LAW

More Grief for Reinstated Teacher

Facts

For more than 20 years, Stephen Babin was a popular, dedicated teacher at the Chavigny Secondary School in Trois-Rivieres, Quebec. He had a reputation for working extensively with children who had problems, and was credited by many parents and former students as having “saved” them. He had numerous friends, including colleagues, parents of students, former students, and others. His hobbies included painting, collecting art and antiques, and landscaping.

All of this changed on March 30, 2011 when he was suspended. No reasons for the suspension were given at the time but within a matter of weeks he was terminated for “immorality” involving a student. The alleged immorality arose in relation to a Facebook conversation he was having with a particular student, MG. MG’s parents did not approve, and called the school to ask that Mr. Babin be told to stop “Facebooking” with their son. The suspension and termination were in reaction to that.

Days after the termination, Mr. Babin’s union (the “Union”) launched a grievance on his behalf against the school board (the “Commission”). The grievance was eventually heard in 2012, and on November 22, 2012, the arbitration panel issued an award in Mr. Babin’s favour, ordering his reinstatement, substituting a single day’s suspension for the termination and requiring the Commission to pay his salary for the entire period between the suspension and the reinstatement.

Between March 2011 and November 2012, however, things did not go well for Mr. Babin. He was devastated by the suspension, the termination, and above all, the allegations of immorality. Trois-Rivieres is a close community, and

he was the subject of widespread gossip, fueled by quite a bit of media coverage. The general term “immorality” was interpreted as being something sexual in nature, and the gossip was that he was a sexual predator, a pedophile, or had sexually assaulted students – male, female, under age, and so on. He withdrew from everything, spending all his time alone in his house. His personal habits and the condition of his house deteriorated. He did not want to see anyone. He could not eat or sleep, and lost a significant amount of weight. He had no income and had to borrow from his family to pay the bills and keep his house, which was very hard on him as he had always been the person his family and friends had turned to for help. He sold his paintings and antiques, and even some of the plants from his garden, most of them at a loss. He developed a severe case of clinical depression and, at one point, became suicidal, was hospitalized, and spent some time in a rest home for patients at risk of suicide.

When the arbitration award was announced, Mr. Babin was overjoyed. He could not wait to get back to teaching and to his pre-suspension life. Then, however, he learned of a press release the Commission had issued in response to the arbitration award – essentially stating that while they would abide by the award, they were deeply disappointed by it, did not agree with it, and felt the outcome was not in accordance with the school’s ethical standards.

Once again, Mr. Babin was devastated. He became so anxious about returning to a school where, he felt, he was not wanted and where the staff and students still believed the gossip about him that he became ill. As a result, he did not actually return to the school until just before the end of the 2012-13 school year, at which time he

reacclimated by doing office work and invigilating final examinations.

When he finally did return to work full-time, at the start of the 2013-2014 school year, he was a completely different man. He was not welcomed back. At the first staff meeting, the principal would usually make a big announcement when teachers returned from leave. The principal didn’t mention it. When one of the other teachers spoke up, there was applause for him but the principal said, very casually, “I forgot.” On an ongoing basis, he avoided all extra-curricular involvement. He would not do anything where he might end up alone with students. His enjoyment of his job was clearly gone. He avoided busy hallways, as he felt students and staff were watching and judging him, or deliberately ignoring him.

Cause of Action

Within days of the issuance of the Press Release, the Union launched another grievance on Mr. Babin’s behalf, seeking general damages (or, as they are called in Quebec, “moral” damages) for the emotional and psychological harm inflicted on him by the Press Release, aggravated damages, and compensation for losses incurred in the sale of his personal property. Similar claims from his first grievance were still undetermined, as well.

Decision

Mr. Babin received \$50,000 in general damages for his suffering, and a further \$20,000 in damages to compensate for the harm done to his reputation and professional standing. As the Commission’s action of issuing the Press Release was not, in itself, an independent actionable wrong, aggravated or punitive damages were not given. The consequential losses from

the sale of his personal effects were denied as being too remote.

Reasons

Acting on Mr. Babin's behalf, the Union was able to call several witnesses to attest not only to Mr. Babin's suffering after the suspension, but also to show the kind of man, and the kind of teacher, he had been before this incident arose. Several of the witnesses were parents of former students, who gave evidence that Mr. Babin, having worked with their children, had "saved" them. Some of the witnesses were former students themselves, attesting to his excellence as a teacher and as a person. Co-workers described him in glowing terms, as being the "light" or the "heart" of the school. All of this served to highlight the effect the suspension and termination had had on him. Many of these same witnesses described his deterioration after the suspension.

The arbitration award made it clear that the Commission's reaction to Mr. Babin's allegedly immoral conversation with MG was grossly in excess of what was warranted. Even the parent who had complained about it had only

wanted Mr. Babin to stop exchanging messages on Facebook with their son. They did not want him to be disciplined or for the incident to be publicized or reported to the police. As it was, the school administration showed the Facebook exchange to the school's police educator, who said it was improper but not such that he was inclined to lay charges. The arbitrator thought that a day's suspension and instructions not to continue to engage with MG on Facebook would be ample measures.

Having taken the steps they did, the Commission was responsible for the harm that followed. Expert evidence was called to support the allegations of psychological injury. Mr. Babin was found to be a man so dedicated to his profession that it was almost a calling. He was extremely sensitive and very trusting. He had taken care of and put his trust in the school for over 20 years and always believed the school would do the same for him. When the opposite proved to be true, he was much more deeply affected than many others might have been. Just as with common-law torts, however, wrongdoers under Quebec's *Code Civile* must take their victims as they find them. Mr.

Babin had no problems with depression and anxiety before the suspension and termination, and at the hearing he produced medical evidence linking the suspension and termination to the onset of his psychological injuries.

With regard to the Press Release, the Union argued that it was tantamount to contempt of court, and that therefore aggravated and even punitive damages should be imposed on the Commission. The Tribunal disagreed. They pointed out that the Commission had not refused to comply with their orders, but merely said they disagreed with the outcome. That is an opinion, and schools, like individuals, have the right under the *Charter* to free speech. The suspension and termination of Mr. Babin was wrongful – it was a gross overreaction to a situation that arose. The issuance of the Press Release, however, was completely lawful and therefore cannot be said to give rise to damages. Accordingly, the second grievance was dismissed.

Syndicat de l'Enseignement des Vieilles-Forges v. Commission Scolaire Chemin du Roy (Babin Grievance), 2015 LNSARTQ 297

Authored by
Hilary Stout LL.B., LL.M.



12 Months' Notice Given to Teachers

Facts

Domenica Michela, Sergio Gomes and Catherine Carnovale were all teachers at the St. Thomas of Villanova Catholic School (the School). Each had worked there since 2002, 2000 and 2005, respectively. At the end of the 2012-2013 school year, they were all terminated. In May, they each received a letter advising that the School could not offer them a full-time teaching contract for the coming year, and that their current contracts would expire at the end of August. A second letter was sent, containing a severance offer. The

three teachers refused to accept the severance offered.

Cause of Action

At the summary trial, the School argued that no notice was due to the teachers because they were employed under fixed-term contracts. The Court, however, found that they were employed for indefinite periods and were entitled to reasonable notice. It was conceded that the 12 months sought by the teachers was reasonable, but the judge reduced the time to 6 months after hearing evidence on the state of the school's finances. The

School then argued that the teachers should be ordered to pay costs, as they had recovered less than they had sought in the action. The judge disagreed, stating that the offer that had been made was a global offer and as each of the plaintiffs had a different claim; it was not possible to say who had recovered less than the settlement offer as it was not known how it would be divided. Further, he found that the School had lost on all the fundamental issues and had used their superior financial standing to complicate and lengthen the proceedings, and awarded the plaintiffs \$42,000 in costs.

The plaintiffs appealed, seeking a 12-month notice period. The School cross-appealed the award of costs.

Decision

The appeal was granted and the cross-appeal dismissed.

Reasons

The teachers raised three issues for appeal: first, that the motion judge erred in relying on the respondent's financial status to reduce the notice period. Second, the motion judge erred in presuming the appellants could all find alternative employment within 6 months and third, that he erred in finding as a fact that lower enrolment created a financial problem that would permit the reduction of the notice period.

The purpose of notice periods in employment law is to allow employees time to find replacement work. Damages for dismissal without reasonable notice are intended to compensate employees for the wages and benefits they would have earned had they served out the notice period (or been paid severance in lieu). Calculation of what, exactly, constitutes a reasonable notice period is fact-specific. The factors that are to be taken into account were set out by the Supreme Court of Canada in 1960 in *Bardal v. The Globe & Mail Ltd.* These

factors focus on the circumstances of the employee, not that of the employer: their length of service, their age, the nature of the employment and the availability of other suitable employment (taking into consideration the employee's experience, training and qualifications). The motion judge purported to focus on the "character of the employment" when he found that the teachers should have known that the School could not provide the same job security as larger, better-funded institutions.

The Court of Appeal found that this was reversible error. "Character of employment" means the nature of the position held by the employee – management, skilled labour, and so on. The Court also suggested that there was some confusion in this area of the law, possibly arising from a 1983 Ontario Court of Appeal case, *Bohemier*, when the Court said that "*when employment is unavailable due to general economic conditions*, there has to be some limit on the period of notice to be given to discharged employees even if they are unable to secure similar employment within the notice period." It was emphasized that *Bohemier* does not stand for the proposition that an employer's financial difficulties justify a reduction in the notice period. Rather, it simply

says that difficulty in finding a new position in a tight economy should not unreasonably extend the notice period.

Accordingly, even if the School was in financial difficulties when it laid off the three teachers (which was not a fact in evidence), that should not be used to decrease the notice period the teachers were entitled to. This conclusion dealt with both the first and the third issue.

The second issue was whether it was appropriate for the motions court judge to consider that other teaching positions would become available at the beginning of the second term (ie: in January). The Court of Appeal found this to be pure speculation, with no evidence to support it. It was also inconsistent with the motions judge's findings that the three teachers had done all they reasonably could to mitigate or cut short their losses.

Having succeeded on their appeal, there was no remaining basis for the respondents to argue that the appellants recovered less at trial than they had been offered in settlement, and so the costs and cross-appeal became moot.

Michela v. St. Thomas of Villanova Catholic School, [2015] O.J. No. 6092; 2015 ONCA 801

Authored by
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ADMINISTRATION and THE LAW

Supreme Court Sends Minority Education Issues Back to Court

Facts

The Yukon Francophone School Board (the "School Board") is the only school board in the Yukon, and operates only one school, which is the only French-language school in the Territory. In 2009, the School Board commenced proceedings against the Territorial gov-

ernment "the "Government") for deficiencies in the provision of minority language rights. At trial, the School Board was successful.

During the trial, the conduct of the judge with respect to the Government's lawyer was highly unusual. There were a number of incidents, for example, where the Judge harshly criticized the lawyer in open court, made comments

about the value of various witnesses and their evidence, and so on. At the end of the trial, the judge asked for written submissions on costs. The School Board surprised the government by asking for punitive costs. When the Government’s lawyer asked for time to formulate a response to this part of the request, the trial judge refused it – even though, a day earlier, he had said there would be an opportunity to reply. The Government learned that the judge was a key member and board member of an Alberta francophone language promotion group, the Fondation franco-albertaine. The judge was asked to recuse himself, on the basis of bias, but he refused.

The Government appealed the decision. The appeal was successful, and the matter was to be sent back for a new trial. There had been a number of substantive issues under consideration at trial, most of which were to be dealt with at the re-trial, but the Court of Appeal simply reversed two of those issues, rather than send them back. Specifically, at trial it had been found that the Government had failed to give the School Board adequate control of French-language education under Section 23 of the *Canadian Charter of Rights* (the “*Charter*”); that the School Board had authority to determine which students could be admitted, including

students not falling under s. 23 of the *Charter*; and third, that the Government was obligated to communicate with, and provide services to, the School Board in French. The Court of Appeal also found that the conduct of the judge gave rise to a reasonable apprehension of bias.

Cause of Action

The Board appealed the decision of the Court of Appeal to the Supreme Court of Canada.

Decision

The Supreme Court agreed with the Court of Appeal that there was a reasonable apprehension of bias arising from the judge’s conduct, but for different reasons than those set out by the lower court. They disagreed with the ruling that said the Board had the authority to admit students who did not fall under the ambit of s. 23 of the *Charter*, but noted that this did not preclude them from arguing that the territorial government had taken inadequate steps to ensure compliance with s. 23 and, as a result, had prevented full realization of s. 23’s purpose. Finally, the Court of Appeal said that the trial judge had erred in ordering the government to conduct all its communications with the Board in French on the basis that this s. 6 language rights issue was not properly part of the litigation.

Reasons

Apprehension of Bias

The Court of Appeal found that the trial judge’s conduct at trial, taken into consideration along with his involvement with and organization whose goals and objectives would “clearly align it” with some of the positions taken by the Board, gave rise to an apprehension of bias sufficient to require a new trial.

Apprehension of bias arises when “an informed person, viewing the matter realistically and practically — and having thought the matter through” would conclude that it was more likely than not that the judge did not reach his decisions fairly.

The objective of the “reasonable informed person” test is to ensure not only that the adjudicative process is fair and impartial, but also that it *appears to be* fair and impartial. Impartiality of judges is a cornerstone of our legal system, and the appearance of impartiality is necessary in order to maintain public confidence in that system. That being said, there is a strong presumption, in law, that a judge is impartial, but the presumption can be rebutted. Each case on bias will be highly fact-specific, but bias can be seen to arise either through a judge’s conduct and commentary during a trial or as the result of some kind of extrinsic, or “outside” evidence – such



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as a judge's membership in an organization with a point of view which relates to the matters in issue in the trial. The Court of appeal found, in this case, that the apprehension of bias arose from the judge's conduct and words at trial in combination with his involvement with the Fondation. The Supreme Court noted that there was no evidence before the Court of Appeal on what the goals and objectives of the Fondation were, and so there was nothing to support their conclusion that those goals and objectives would be in alignment with those of the Board. On the other hand, the judge's conduct was sufficient to meet even the high threshold of the test for apprehension of bias.

Language Education Rights and Section 23 of the Charter

Section 23 of the Charter provides that citizens whose first language is that of the minority population in the province where they reside, or who received their education in Canada in one of the two official languages but now reside in a province where that language is the minority language, have the right to have their children educated in that language in the province where they live. So, for example, citizens who reside in Quebec but were educated in English have the right to have their children educated in English. Conversely, citizens educated in French who now reside in a province where French is the minority language have the right to have their children educated in French.

Education falls under the jurisdiction of the provinces, subject to the Charter. Thus, s. 23 is a *minimum* standard. Any province may choose to offer minority-language education opportunities to a wider group of citizens. This is often done by means of each Province's *Education Act* and the Regulations under that Act. Many of the Provinces delegate the power to grant admission to minority-language schools to the boards which administer them, but the Yukon Government had not yet done so. In the absence of such delegation, the School Board did not have the legal and constitutional authority to decide whether or not to admit students who did not qualify under s. 23 – even though they had been doing so since their inception in 1996. Indeed, it was not until the first day of the trial of this matter that the Government advised the School Board that, from that point on, it would be enforcing the regulations and the School Board would no longer be allowed to admit students who were not directly within the ambit of s. 23.

On that basis the Court of Appeal had been correct in overturning the trial judge's conclusion that the Board was entitled to set its own admission criteria, but the Supreme Court noted that it "does not preclude the Board from claiming that the Yukon has insufficiently ensured compliance with s. 23, and nothing stops the Board from arguing that the Yukon's approach to admissions prevents the realization of s. 23's purpose." This comment is a pretty

big hint, to the Board and to whichever trial judge presides over the retrial of the matter, that the Supreme Court feels this hypothetical argument has a great deal of validity.

Communications in French

The Yukon's *Languages Act* states that any member of the public in that territory has the right to communicate with, and receive service from, the territorial government in either of the two official languages. The trial judge certainly ordered the government to do so, and it was one of the matters under appeal. The Court of Appeal, however, decided that this case was not an appropriate one for determining the Board's rights under s. 6 of the *Languages Act*. This has the same practical effect as overturning the trial court's ruling on the matter, but did not amount to a conclusion of law. The legal question is likely a very complicated one, and will depend on what service is being provided and the nature of the communications in issue, none of which was in evidence at the trial, but that is not a reason to refuse to deal with it. On the contrary, it seemed to the Supreme Court to fully warrant determination at the new trial, "with the benefit of a full evidentiary record, not for a dismissal of the claims."

Yukon Francophone School Board, Education Area #23 v. Yukon (Attorney General); [2015] S.C.J. No. 25; [2015] A.C.S. no 25; 2015 SCC 25

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ISSN 1499-0423

The Education Law Reporter is published in Canada by:
Education Law Infosource Ltd.
Box 72038 RPO Glenmore Landing, Calgary, Alberta T2V 5H9
Phone: (403)640-6242 E:mail: publications@preventivelaw.ca
Website: www.preventivelaw.ca

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Upcoming events

Eating Disorder Awareness Week, hosted by EDSNA in Edmonton Feb 1-7, features ED-ucate, a full-day **symposium** on eating disorders, held on Feb 3 at the Alberta Teachers' Association building. A special breakout session on **Eating Disorders and the Classroom** will help teachers in supporting students with this complex illness. Symposium cost is \$40, including lunch. For more information and to register, visit: www.EDSNA.ca/ED-ucate.html

The **Shaping the Future conference** in Kananaskis, Jan 28-30, is a great place to identify resources, create networking opportunities and improve support for student health. Don't miss the **pre-conference session on mental health**, co-sponsored by Ever Active Schools and ASBA. School administrators and trustees will leave empowered to respond to elements of Bill 10 and student health. To register, go to: <http://www.everactive.org/register-stf?id=1474>

Eating Disorder Support Network of Alberta: a great resource for educators

Eating disorders affect approximately 300,000 Albertans, have the highest mortality rate of any mental illness, and appear to be on the rise, with children as young as seven being diagnosed. Teachers are often the first to notice warning signs in their students, but may not know what to do or where to turn for more information. The Eating Disorder Support Network of Alberta (EDSNA) is here to help!



EDSNA hosts a website with many useful links and resources, gives presentations on eating disorders to adult audiences, and offers professionally-facilitated support groups for family members and individuals (18+) affected by eating disorders. Support groups are currently offered in Edmonton and Red Deer and will be available in Calgary in the fall. EDSNA also hopes to begin offering online support in the near future. (Go to <http://www.eatingdisordersupportnetworkofalberta.com/>)

Making a difference in teen mental health

Almost 20% of the population suffers from some sort of diagnosable mental disorder. Mental disorders are the second leading cause of disability. School boards and teachers must be prepared to disseminate evidence-based research to students in need.

Teenmentalhealth.org has a rich array of information, and provides assistance in a variety of forms to better understand mental health. Visit the website's toolbox to explore the different resources and reports, which are categorized by who could use them and what they represent. Bipolar disorder, depression, ADHD, suicide and many more mental disorders are discussed. Almost all resources, reports, and publications are provided free of charge. Using these tools to improve mental health literacy in your district can save lives.

Equip yourself with knowledge and skills to better the lives of your students. Visit <http://teenmentalhealth.org/> and change the conversation on mental health in your schools.

Did you know?

ASBA, in its work supporting student health and wellness, has worked with Ever Active Schools, Alberta Health Services, the Alberta Medical Association, the College of Alberta School Superintendents, the Alberta School Councils' Association, the Alberta School Employee Benefit Plan, the University of Alberta, and the Wellness Fund.

Collaboration is critical to success in the 21st century.



From: **Education Minister** <Education.Minister@gov.ab.ca>

Date: Thursday, 28 January 2016

Subject: Summer Temporary Employment Program (STEP)

**To: Board Chairs of Public, Separate, Francophone and Charter School Boards
Presidents of Stakeholder Associations**

ACSTA (Alberta Catholic School Trustees' Association)
AEFAA (Alberta Educational Facilities Administrators Association)
ASBA (Alberta School Boards Association)
AHEA (Alberta Home Education Association)
ASCA (Alberta School Councils' Association)
ATA (Alberta Teachers' Association)
AAPCS (Association of Alberta Public Charter Schools)
ACFA (Association canadienne-française de l'Alberta)
AISCA (Association of Independent Schools & Colleges in Alberta)
ASBOA (Association of School Business Officials of Alberta)
CASS (College of Alberta School Superintendents)
CCSSA (Council of Catholic Superintendents of Alberta)
Federation des parents francophones de l'Alberta
Federation des conseils scolaires francophones de l'Alberta
Learning Disabilities Association of Alberta
PSBAA (Public School Boards' Association of Alberta)

I am pleased to inform you that applications are now being accepted for the for student jobs starting this summer. (School boards, post-secondary institutions, non-profit organizations, libraries, municipalities, First Nations and Métis Settlements are eligible to apply.)

Our government committed to reinstating STEP, and on November 3, 2015, Premier Rachel Notley announced the return of this program. We want to support Alberta communities, small businesses and the students who are our future, and STEP is one way we are doing that.

STEP will help approximately 3,000 students improve their job prospects by gaining the skills and on-the-job experience they need to enter the workforce and be successful. By investing in our students, we are setting them up on a path to a rewarding career, and empowering them to contribute to our province's future.

We are also supporting employers across the province, which is especially important during these challenging economic times. We want to ensure employers are supported so they can grow and prosper.

STEP will support employers who hire students by providing a wage subsidy of \$7 an hour for work opportunities from May to August. Funding will be allocated by sector, and across the province to ensure a fair distribution of STEP positions so a good range of employers and students can benefit. \$10 million is allocated for the program in 2016-17.

If you are hiring a student for a summer position, I encourage you to apply as soon as possible. Applications must be submitted before the deadline on February 29, 2016. All applications received by this deadline will be considered.

Further details and application forms are available online at AlbertaCanada.com/STEP.

We are pleased to bring back this program and look forward to working with all our partners to build a prosperous Alberta.

Sincerely,

David Eggen
Minister of Education

cc: Superintendents of Public, Separate, Francophone and Charter School Boards
Executive Directors of Stakeholder Associations
Communications Contacts at School Divisions



Empowering All Our People to Excel

Horizon School Division No. 67

MEMORANDUM

DATE: January 25, 2016
FROM: Marie Logan, Board Chair
RE: Warner Hockey School

Warner Hockey School's Future Remains Strong

Over the last few weeks there has been rampant rumours and speculation about the future of the Warner Hockey School, and the school's Hockey Team, the Warner Warners, who were the 2015 Junior Women's Hockey League Champions. There have been numerous inquiries as to whether Warner Hockey School will be closing at the end of the 2015-2016 Hockey season. This has certainly not been aided by the fact that a newspaper article published on the front page of the Kimberley Bulletin, (Kimberley B.C.) dated May 15, 2015 has been circulating around the community of Warner, and most likely beyond given social media and the interconnectedness of the female Hockey world.

As Mark Twain once wrote, "The reports of my death have been greatly exaggerated."

Unlike most community Hockey Teams, Warner Hockey School is an athletic program of Warner School. Warner School is a school within the Horizon School Division. As such, the Warner Hockey School is operated by the Horizon School Division with strong partnership and support from the Warner Community Hockey Society and the community of Warner.

The School Division has no intention of moving the program out of Warner much less the province of Alberta.

The school jurisdiction is in the process of re-structuring which includes the recruitment of a new head coach. The Board of Trustees of the Horizon School Division remains committed to the program and its future.

We continue to look for female Hockey Talent to fill our 2016-2017 roster and welcome inquiries into both the program and the position of head coach. For information about the program please contact the principal of Warner School, Mr. David LeGrandeur.

Art projects helping save endangered species

TABER Times - Feb 10, 2016

By Greg Price
Taber Times

gprice@tabertimes.com

With art imitating life, a group of Grade 6 students at Erle Rivers High School hope their art will help save some lives when it comes to endangered species thanks to the help of Kids' Art for a Cause.

The group of kids have had a soft spot for animals ever since their formative earlier elementary school years.

"Kids' Art for a Cause is a local, Lethbridge non-profit organization. I went to a professional development session last February and signed up to do a whole semester where we did a whole project where the kids researched global issues they were interested in," said Erle Rivers High School teacher Sharalyn Patching.

"These kids have always gravitating towards helping animals. They held a little bake sale and with this project, we were able to extend our research with issues in the world."

They were able to fuse that passion for wildlife along with art when the students learned about the plight of some animal species in a unit they were studying, as the group started their projects before the Christmas break. Through Kids' Art for a Cause, children learn about an issue, create pieces of art inspired by their learnings, and sell their artwork. One hundred per cent of the proceeds from these sales are then donated directly to a registered charity that helps to address that issue.

accounting for its origin. The main threats faced by the Indri are habitat destruction and fragmentation due to slash and burn agriculture, fuelwood gathering, and logging. It is also hunted despite taboos against this.

The Grade 6 class' artwork was inspired by the work of Washington artist Megan Coyle. Megan Coyle is an American collage artist who was born in Northern Virginia. She is known for making representational collages entirely from magazine strips. She started calling her process "painting with paper," where she manipulated magazine strips in such a way that they strongly resembled the brushstrokes in a painting.

"We had a whole bunch of magazines and got the colours that we needed and we would overlap the pieces a little bit so we'd get the texture of the animal," said McCulloch.

Many of the animals that the Grade 6 class did their art collages on, were animals that are not only considered endangered, but defined as critically endangered as well. A Critically Endangered (CR) species is one which has been categorized by the International Union for Conservation of Nature

(IUCN) as facing a very high risk of extinction in the wild. It is the highest risk category assigned by the IUCN Red List for wild species.

The Grade 6 class activism is also venturing into writing children's books, where the students are making books of their creations and reading them at the elementary school.

"Most of them have animal themes, but one group did agriculture and another did cyberbullying," said Patching.

The kids' art work will be on sale March 1 at <http://kidsartforacause.ca/gallery.htm> in which all proceeds will be donated to the World Wildlife Foundation.

"We need to save these endangered species," said McCulloch.

The following is a list of the featured animals that the student chose to create artwork on:

- *Kace Bellew - Indri
- *Savannah Brecht - Indus River Dolphin
- *Wyatt Coupe - Sea Lion
- *Tasha Dandell - Hawksbill Turtle
- *Brahmer Gaehring - Black Footed Ferret
- *Chlka Ifebuzer - Saola
- *Chase Lipa - Mountain Gorilla
- *Rebecca Lipa - Rhino
- *Jordan Lodermeier -



TIMES PHOTO BY GREG PRICE

HELPING HAND: Erle Rivers High School teacher Sharalyn Patching offers some help and advice for Kace Bellew on his art project with hopes it will help the World Wildlife Foundation through the Kids' Art for a Cause.

Chimpanzee

*Angelina Martens - Pygmy Elephant

*Griffin McCulloch - Pangolin

*Mathew Miller - Orangatan

*Justin Montford - Spider Monkey

*Kathryn Payette - Bengal Tiger

*Michael Snow - Giant Panda

*Richard Stoesz - Snow Leopard

*Justin Wensveen - African Wild Dog

*Bailey Waters - Penguin

"We went to the World Wildlife Foundation website, and we looked at the endangered animal list. We went from last name letters from bottom to top and we just picked off the list," said student Griffin McCulloch, who chose his piece of art work to be the Pangolin.

Pangolins are found in tropical regions throughout Africa and Asia.

Pangolins have large, protective keratin scales covering their skin and are the only known mammals with this adaptation.

They live in hollow trees or burrows, depending on the species. Pangolins are nocturnal, and their diet consists of mainly ants and termites which they capture using their long, specially adapted tongues.

They tend to be solitary animals, meeting only to mate and produce a litter of one to three offspring which are raised for about two years.

Pangolins are threatened by hunting (for their meat and armour) and heavy deforestation of their natural habitats, and are the most trafficked mammal in the world.

"It is a very unique animal, I don't think anyone has done it before," said McCulloch. "I watch a lot of Animal Planet in my spare time and so I knew about the animal a little bit."

"We were learning about world problems, and we thought doing endangered species would be cool," added Kace Bellew whose artwork has the Indri from Madagascar. "It's a lemur/monkey animal. It's pretty cool."

The Indri is one of the largest living lemurs with a head-and-body length of about 68 cm (27 in) and weight of between 6 to 9 kg (13 to 20 lb). It is a black and white lemur and maintains an upright posture when climbing or clinging. It is monogamous and lives in small family groups, moving through the canopy feeding mainly on leaves but also seeds, fruits, and flowers. The groups are quite vocal, communicating with other groups by singing, roaring and other vocalizations. It is a diurnal tree-dweller related to the sifakas and, like all lemurs, it is native to Madagascar. It is revered by the Madagascan peoples and plays an important part in their myths and legends with various stories in existence

Value of play-based learning

Over the Christmas season my wife and I had a chance to reconnect with an old friend and his spouse; I say old in that we've known him and been good friends for over 30 years, not because he is actually old.

While we didn't spend a lot of time together, we did get a chance to spend a few hours reminiscing about old times, talking politics, and catching up on family. One of the stories my friend shared was about the gift he gave his granddaughter, a huge cardboard box filled with bubble wrap.

Some of you may already be gasping and thinking to yourself, "What a cheapskate." Some of his family may have thought that as well. My friend's granddaughter, however, could not have been happier with the gift. She tossed aside all the previously opened gift-wrapped boxes filled with structured games and toys and spent most of the holiday playing with her grandfather and the gift he gave her. She spent hours creating forts and castles, and was immersed in adventures that could only be created by a child's imagination.

As adults we are all too quick to organize every second of our children's lives. What we are forgetting is that unstructured play is essential for a child's social and emotional development. Research is clear that play serves an important function as it aids in social development and fosters the development of invaluable skills. Play allows children to develop communication skills, to compromise, co-operate, and problem solve and to learn to control their emotions. As they create stories around their activities, it also develops their literacy skills.

When parents register their students within the early learning programs within the Horizon School Division, they can expect such programs to be play-based. Through play, we are ensuring

that your child develops the skills necessary for more structured adult-led instruction within school.

My friend may have saved some dollars on his gift by not buying a toy that directs a child's learning, but the gift he gave his granddaughter will last a lifetime, for he gave her the gift of imagination and the ability to explore, to discover, and to create.

Wilco Tymensen is the superintendent of Horizon School Division No. 67.