

## BC SUPREME COURT RULING ON FRENCH LANGUAGE EDUCATION RIGHTS

Issue 12 News & Events What's New

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Conseil scolaire francophone de la Colombie Britannique (CSF or SD93) is one of the 60 public school boards in British Columbia. It currently has 37 schools throughout BC with enrolment of over 5,700 students. It is the only school district with the mandate to deliver official minority language education (French) throughout BC.

In order to better understand the recent court decision involving SD93 regarding French language education rights in BC, the CSF has provided the following overview.

Since 1982, minority language education rights in Canada have been protected under section 23 of the Canadian Charter of Rights and Freedoms. In BC, the francophone community took the provincial government and its Ministry of Education to court in order to claim those rights and obtain management and control of francophone-minority educational programs. As a result of these actions, the CSF was founded in 1995 and given the mandate to operate all francophone schools in BC.

In the beginning, most of the school properties which were acquired were those deemed to be surplus in other school districts, some of which were scheduled for demolition. The Ministry of Education also financed a few new schools. However, as the number of programs and students grew, school facilities, transportation and capital funding failed to keep pace. After several years of talks with the Ministry of Education and little results to show for the efforts, the CSF and members of the francophone community brought their concerns to the Courts.

In the action brought in 2010, the CSF, along with parents and the Fédération des parents francophones de Colombie-Britannique (FPFCB), maintained that the Ministry of Education and Province of BC “failed to provide British Columbia’s Francophone linguistic minority the resources and facilities that are mandated by section 23 of the Canadian Charter of Rights and Freedoms.” The Plaintiffs challenged “the

defendants' system for funding capital projects, and to a lesser extent, the operating funding needs of the linguistic minority."

In a judgement of more than 1,600 pages, the BC Supreme Court agreed with some with the CSF's concerns that section 23 of the Charter had been infringed, and that these infringements were not justified. Some aspects of the judgment are summarized below:

That the CSF's transportation system had been "chronically underfunded" over a period of years and the Court ordered the province to provide the CSF with \$6 million over 10 years to compensate for that shortfall.

That in some communities, the school facilities currently available to the CSF were not sufficient, and that those problems needed to be solved.

That the Ministry of Education's capital planning framework breached section 23 of the Charter. Most notably, the Court ordered that "The Province must exercise its legal powers to create a long-term, rolling Capital Envelope to provide the CSF with secure funding to address its need for capital projects across the Province."

In other instances, the Court denied the CSF's claims. For example, the Court denied some of the CSF's claims that specific communities required Francophone programs/schools or upgrades to existing CSF facilities in order to comply with section 23 of the Charter.

While this constitutes a partial win for public francophone education, the CSF and joint plaintiffs have sought to appeal the Court's decision in an effort to obtain stronger recognition for francophone education and its francophone community in BC. The Province also has sought a cross-appeal.

In the interim, the CSF continues to grapple with the fact that some parents do not have access to local francophone schools and that finding space for teaching and learning is a major challenge. The CSF currently rents and leases classroom space in several communities. Although we are thankful to the school districts from whom we are renting sites, there are a number of uncertainties associated with renting out space, especially with enrolment increasing throughout the province. In view of the difficulties arising from finding appropriate spaces, the CSF has had to resort to operating schools out of non-traditional instructional space like church halls, community centres and other locations, such as the Capilano University-Squamish campus.

In an effort to secure additional and better suited educational space across the province, the CSF has reached out to the community, other school districts and all levels of government to ensure its facility needs were known. The CSF's goal is that when facilities and land planning decisions are made, including decisions about surplus properties, the CSF's needs will be taken into account and given serious consideration.

Student transportation remains a top concern for the CSF as well, as many children travel long distances to and from school. For example, students in Chilliwack wanting a high school education in French must travel to Surrey. Furthermore, with over 150 buses across the province, transporting approximately 4/5 of the CSF's students, the additional transportation funding ordered by the Court remains only a temporary solution as transportation cost projections continues to rise.

While much has been said about dollars and cents, CSF board chair, Marie-France Lapierre, wished to emphasise the importance of the CSF's mission to preserve francophone culture.

"Welcoming and sharing a francophone program enriches the whole community, it does not take away from it," said Lapierre.

She was also eager to dispel the myth that French immersion fills the gaps in francophone education, stating that such environments exist as a place where non-francophone students can learn in an enriched, bilingual environment. The learning environment fostered by CSF, in contrast, aims to preserve francophone culture in conjunction with teaching French as a first language as is its mandate.

In a recent interview, Lapierre highlighted BCSTA's importance as it relates to networking with other school boards.

"All of us, public school boards, work so that our students achieve their full learning potential. We can do this because of the work of our fantastic staff and the support of our dedicated parents as well as a tight community," Lapierre said. "However, in addition, the CSF must also ensure to support our francophone families to develop and/or maintain pride in our francophone culture. To achieve this goal, we need the support of all citizens who believe in honoring the Canadian Charter of Rights and Freedom."

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By: SD93 (Conseil scolaire francophone de la Colombie Britannique)

Photo by: Joe Mabel, Wikimedia Commons

## THE COST OF POOR GOVERNANCE

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Your kitchen tap is leaking. You know what I'm talking about. It's that annoying drip that doesn't stop regardless of how tight you turn the tap. I know, those washerless taps were supposed to cure that problem but in my case that has not always worked. My frustrated spouse suggests that we engage the services of a plumber. I soon find out that a plumber is going to charge \$125 to install a 35 cent seal or else it's going to cost much more to install new taps. Here's the solution! Instead of buying a 35 cent seal, why not buy a 35 cent sponge and put it in the bottom of the sink? The leaking tap drips quietly into the sponge... until the sponge becomes saturated and it begins to drip monotonously into the drain.

Let me tell you five things about the dripping tap problem:

It will be frustrating.

The drip won't go away.

The problem is going to get worse.

It will likely cost you money as you continue to waste water.

Eventually you're going to call a plumber.

Good governance is costly. However, poor governance is even more costly, and like the dripping tap, it costs more than just money. Let's take a look at a few of the other costs.

Lack of Clarity

First, there is a lack of clarity relating to the issues which are important. Many boards meet regularly to put out fires or respond to issues that have arisen since the last meeting or matters that don't seem to ever be resolved. Because there is no focus on the priorities of the organization and no clear determination of the unacceptable, the same issues are likely going to continue to recur.

#### Avoiding Real Problems and Issues

Another cost is the time spent by the board in maneuvering around the real problem. It's the elephant in the living room. The board doesn't want to talk about the real problem, because it's terrified to face the consequences. Maybe if the real problem is addressed, a decision will be made that results in a significant donor pulling his support or the CEO will tender her resignation. If it's a church, a high-profile family will move on – or worse, they will stay and make life very difficult for the board. So instead, the board chooses to avoid that issue and tries to manufacture a solution to work around the problem.

#### Loss of Organizational Momentum

Another cost can be the loss of organizational momentum. Instead of the board spending its time looking to the future with a view to enhanced impact, it gets bogged down in addressing chronic issues. Every fifteen minutes that a board spends discussing those ongoing challenges is fifteen minutes it won't spend on matters that will make a difference for the future of the organization and those the organization serves.

#### Loss of Good Leadership

Another cost can be the potential loss of the CEO. If the CEO is passionate and effective, but the board is not prepared to establish clear priorities, the leader will probably want to invest his skills and passion in an attractive situation where he can be used to his greatest advantage. That attractive situation is not a situation where a board refuses to address ongoing issues. Competent leaders are not easy to find, so you don't want to lose someone because the board refuses to address an uncomfortable issue. If your organization continues to be dysfunctional and you find a candidate that wants to work for you, it may be someone that is having a difficult time finding opportunities to provide leadership to a healthy organization. That is not the kind of leader you want.

Sometimes the CEO is the problem. However, often the board is afraid to lose that individual because of the political fallout or the hassle of finding someone new. Again, like dealing with a dripping tap, it is better to face the pain now and move on rather than ignoring the problem.

#### Lack of Board Members

Add to these potential costs the cost of being unable to attract new board members. Men and women who will be effective board members will not want to sit on a board that is rehashing the same old issues time after time. Those who do become board members, may not want to stay there very long.

There is a parallel cost to the challenge of attracting new board members. That is the loss of passion for people to become involved. If you have any involvement with a non-profit organization now, you will know how hard it is to get good volunteers. You want to create an environment where volunteers are freed up to live out their passion and not become bogged down by the politics of the organization. If there is a problem at the board level, it is invariably going to soak into the day-to-day operations of the organization and those problems may end up squeezing out good volunteers.

## Loss of Financial Support

Now, let's talk about a cost we can clearly relate to: the loss of financial support. When the board lacks direction and focus; when it becomes painfully obvious that it is not willing to deal with problems; when it lacks good long-term administrative leadership and when overall, people become disenchanted with what is or isn't happening, people will express their concerns by keeping their wallets in their pockets. When that happens, just go back through the list we've already talked about and see how the problems begin to spiral out of control. Good board members don't want to sit on a board that is constantly dealing with financial problems or where good leaders are quitting or poor leaders are being let go – or worse, kept around – or programs are being cut back or discontinued or there is a chronic shortage of volunteers. The worse it gets, the worse it gets.

## Loss of Missional Benefit

The greatest cost of not addressing board issues is the loss of missional benefit. It becomes clear that the very reason for which the organization exists isn't happening or certainly not happening as effectively or efficiently as it could be. You want to be part of something that is making a long term difference in the lives of people. That difference is eroded because of a board that is reactive rather than proactive.

Most board members who find themselves in situations like this are simply at a loss to know what to do. But there is hope. There are qualified plumbers out there who can identify the source of dripping taps and offer some solutions. The cost of education is far less than the cost of ignorance.

Our team can assist boards by facilitating discussions to identify and articulate where the leaks are and how they can be addressed.

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By: Ted Hull, REALBoard Advisor

## SCHOOL TRUSTEES AND SOCIAL MEDIA: LEGAL AND POLICY CONSIDERATIONS

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Trustees are increasingly using social media and other technologies to communicate and engage with their communities. Social media can be an effective and efficient tool for connecting with large numbers of people. As elected officials, trustees are subject to legal and policy obligations that may not apply to private citizens who use social media. For example, a trustee's communications may be guided by relevant board policies (such as codes of conduct) that a private citizen would not need to follow. Trustees should ensure that they use social media tools in a way that is consistent with these legal and policy obligations.

The following are some legal and policy considerations trustees may wish to keep in mind when using social media:

**Board policies and procedures:** Familiarize yourself with relevant board policies that may provide guidance regarding communications by trustees. For example, some boards have policies regarding communications, trustee codes of conduct and trustee roles and responsibilities.

**Authority to speak on behalf of the Board:** When communicating your own views via social media, clearly indicate that you are speaking on your own behalf and not on behalf of the board of education.

**Confidentiality:** Trustees should consider whether they have authorization to publicly disclose information that they wish to share via social media. Laws such as the Freedom of Information and Protection of Privacy Act (FOIPPA) place limits on the use and disclosure of information in the possession and control of public bodies (such as boards of education). Trustees should also be aware of board decisions to address certain business in closed meetings and to limit public disclosure of this business.

Human rights: A trustee's communications may give rise to allegations of breach of the BC Human Rights Code. The Code outlines prohibited grounds of discrimination including: race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age. Of particular relevance to trustees and boards are the Code provisions regarding discrimination in services, discrimination in employment and discriminatory publication. Complaints of discrimination may be made by school district employees, students, members of the public etc.

Defamation: A trustee's communications may give rise to allegations of defamation (i.e. injury to a person's reputation). A person may start a law suit claiming an entitlement to compensation for the statements that were made about them.

Copyright: Consider whether you have authorization to copy, post or otherwise distribute work that belongs to others.

Bullying and harassment: Online conduct may give rise to allegations of bullying and harassment. Allegations of this nature may be pursued in various forums including through WorkSafe BC, civil court proceedings and criminal prosecutions.

These are just some considerations to keep in mind if you use social media.

This article is intended to provide general information (and not a legal opinion).

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By: Audrey Ackah, Legal Counsel, BC School Trustees Association

## SEYCOVE'S TERESA ROSS THE ONLY FEMALE COACH IN SENIORS BOYS BASKETBALL

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Teresa Ross never set out to become the only female coach of a senior boys basketball team in British Columbia.

In fact, before she took her first coaching gig at Seycove secondary – on a Grade 8 team that included her older son Davey – she looked all over to find someone else to take the job.

“There was nobody to do it,” she says. “I think I phoned 22 people – I honestly remember doing that.”

It’s not that she didn’t have the skills to teach 13-year-olds how to play basketball – she’d played the game herself in high school, and coached it when she was a high school teacher in Richmond before leaving to raise Davey and his brother Chris, two years younger. It’s just that she wasn’t sure she wanted to do it. But there really was no one else, and so she dug out her clipboard and grabbed a seat at the end of the bench.

When Davey hit Grade 11 and moved up to senior, Teresa was entrenched as the head coach, and so – with the full support of the school, players and parents – she moved up right with them. She’s a confident coach, but that final step up to senior was a big one.

“My first year of senior, I was nervous,” she says. “The pace, the speed, the power of the game, the intensity. Boys are powerful – mentally, emotionally and physically – and so it’s quite a challenge to manage that speed.”

There were some awkward moments along the way, too. For instance Teresa would often get passed over during pre-game handshakes with referees and opposing coaches. Folks on the North Shore got to know her well, but things are still a little iffy when the Seyhawks travel to other districts.

"I was at the Pitt Meadows tournament and I was standing there by the bench and the ref walked right past me and went to one of the guys sitting on the bench," she says. "They'll shake my hand and you can tell by the look in their eyes that they're kind of surprised. ... There's always that kind of look of, 'Does she know what she's doing?'"

Chris corroborates his mom's story.

"So many times I see the refs walk by her," he says with a chuckle, adding that the situation is likely further complicated by the fact that Teresa stands about five-foot-four. "It's a little funny. ... Basketball coaches are usually really tall guys, so it's funny when they shake hands and she's so much smaller."

The team also had to sort out the etiquette for team meetings in the dressing room. Teresa will always send a man in first to make sure all the players are sufficiently dressed. She admits, however, that sometimes her patience wears a little thin when the timer is ticking.

"You don't have time," she says with a laugh. "You've got 10 minutes at the half and you've got to go with the flow of the game. You've got to get in there, get it done and get out. It's no big deal."

The awkward moments, however, are far outweighed by the positive support she receives, she says, including help from her sons. Davey was a team leader when Teresa first moved up to senior, and Chris has taken that role now that Davey has graduated.

"The guys looked up to my brother," says Chris. "My brother and my mom made a really good team, and my mom and I do the same thing now."

Other coaches have been helpful as well, says Teresa, listing of prominent bench bosses like Collingwood's Andy Wong, Bodwell's Johnson Chiu, West Van's Greg Meldrum, Carson Graham's Larry Donohoe Carson and Jim Kelly from St. Thomas Aquinas as some of the coaches who have helped make her feel welcome on the sidelines.

"There's a lot of really supportive male coaches – well, they're all men – on the North Shore," she says with a laugh.

She's now in her third season with the senior team – Davey graduated last spring and Chris is in Grade 11 – and Teresa has still never faced off against another female head coach at this level. But there's no doubt that she can hang with the big boys. The Seyhawks just missed making the provincial championships last season, losing out to STA on a buzzer beater, and are challenging for top spot in the Howe Sound AA league again so far this year.

"This is probably the year I feel most confident," she says. "I want to make it to provincials. I want to be one of those teams that gives (the players) that experience."

Chris shares the same goal, and he's confident that the team can do it with Teresa leading the way. His mom may be short in stature, but she has a "tall personality," he says.

"I've never seen any team say anything to us about having a female head coach, but it does feel good when they sometimes underestimate us because of her," he says. "That's the last thing you should do, especially with my mom. She's like the fiercest competitor ever."

That fierceness presents itself during practices as well, where Teresa pushes her team hard. And there's no slack given to Chris, even though as a longtime member of the provincial team he's Seycove's star player, on top of being the coach's son.

"She's serious. She's really serious," Chris says about Teresa's coaching style. "Even being the coach's kid, she doesn't go easy on me. She's pretty tough on me, and she's pretty tough on all the guys. The guys respect her because she does so much for the team. ... She kind of treats the team like her baby. She really takes a lot of care. She puts so much effort into this – it's like her third child."

That's not too far from the truth, Teresa admits.

"It's the hardest thing I've done, but probably the most satisfying," she says about coaching the Seycove seniors. "Every one of those kids I see as one of my kids. I care about them all and I try to inspire them, make them feel confident. If they feel that, they play better."

She may be carving a unique path as a female coach in a male-dominated world, but Teresa doesn't spend much time contemplating her position as a trail blazer.

"I don't really think about that," she says. "I'm not really focussed on being the only lady out there, I just happen to be in this spot."

Others have noticed, however, and are more than willing to sing her praises. Topping that list is her son Chris.

"I have never seen a female coach in boys basketball, unless maybe when I was in, like, Grade 3," he says. "She's super courageous. With all that testosterone out there, it gets pretty serious sometimes but she handles it really well. ... She's special."

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By: Andrew Prest, Writer, North Shore News

Photo by: Paul McGrath, North Shore News

Original article: North Shore News

## KEY ACTIONS TO DO 100 DAYS UNTIL THE BC PROVINCIAL ELECTION

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## PUBLIC EDUCATION IS THE KEY

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Public education leaders understand the social, economic and cultural empowerment that comes with making public education our number one priority, and with the provincial election just a little over 100 days away, the urgency to ensure that our candidates understand the issues that are important to us continues to grow. BCSTA is providing trustees with materials to aid them in doing this advocacy work in the lead-up to Election Day.

‘Public Education is the Key’ campaign

Dubbed “Public Education is the Key,” BCSTA’s advocacy campaign puts public education front and centre. Public education is the key to a strong economy, a skilled work force, world class health care, environmental stewardship, restorative justice, truth and reconciliation, peace, understanding and a civil society, and voters must make it our priority issue this election.

Posters with our key message will be distributed to school districts across BC. If you haven’t received your poster at a branch meeting yet, posters will be distributed at Provincial Council on February 18, 2017 during the Saturday learning session. Photos with your board of education, staff and sector leaders in your community can be posted on Twitter, Facebook or Instagram with the hashtag #bcedkey. This small action helps amplify our message. Accompanying messages stating why you think public education is that key are important to include.

BCSTA will take the best photos and messages and add them to our Instagram photo gallery.

You might also want to check out our article: School Trustees and Social Media: Legal and policy considerations.

Key Kit

BCSTA has made promotional materials, graphics, posters, logos and fonts available for use. Post the graphics on your Twitter feed or Facebook timeline. Use the banners on your school district and personal accounts. You may modify the materials or customise them with your school district logo, or create your own using the files included in the Key Kit.

More items, such as template letters, more posters and other materials will be added in the key kit as we get closer to Election Day. BCSTA will continue to update you when new Key Kit materials become available.

DOWNLOAD: BCSTA Key Kit

Sector leaders' presentation

BCSTA has invited industry and sector leaders to present on the theme of "How does a strong public education system make a difference to your sector?" The presentations will take place during Provincial Council on February 17 in a PechaKucha-style format of 20x20 (20 slides, 20 seconds each). The format ensures a dynamic and lively presentation and will be recorded and made available for viewing the following week.

The speaker list:

Dr. Patty Daly, VP Public Health and Chief Medical Health Officer, Vancouver Coastal Health

James Hursthouse, Acting Director, DigiBC

James Rout, Associate Vice President of Education Support and Innovation, British Columbia Institute of Technology

Bernard Richard, Acting Representative for Children and Youth, Representative of Children and Youth

Isobel Mackenzie, Senior's Advocate

Kishoore Ramanathan and Amy Zheng, Student Voice, Richmond School District

10 key actions to 100 days

In the 100-day lead-up to the election, BCSTA will initiate 10 key actions that you can do to help keep public education on the forefront. Everyone, not just boards of education, is urged to participate. Downloadable materials will be available on The Education Leader website, and an email update will be sent out to signal the start of each action.

Key Action 1

Tell us: Why is public education the key?

You may answer this question as a board of education, or you may cite personal examples, effects you've seen in your district, your workplace, your community, your family, and yourself. Post your answers on your Facebook, Twitter or Instagram with the hashtag #bcedkey, or email them to [gollero@bcsta.org](mailto:gollero@bcsta.org). You can participate in this Key Action any time, but to maximize the impact of our message, we encourage you to post it in the next 10 days.

Don't forget to wait for the announcement of Key Action 2.

Have any suggestions for what we can do to make public education the number one issue in the BC General Election? Email BCSTA's Media and Communications Specialist, Glenda Ollero at [gollero@bcsta.org](mailto:gollero@bcsta.org).