

Jason Koblovsky - Independent Journalist

Ombudsman Needed in Ontario School System

By: Jason Koblovsky – Freelance Journalist

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YORK REGION: In late 2008 local media in Georgina started to report some horrific instances of bullying, and lack of action with respect to school staff and school board officials. Issues of severe bullying and out of control classrooms started to surface in Georgina Schools. It was extremely concerning to many how the York Region District School Board (YRDSB) was handling issues of abuse in the classrooms, and responses by board officials to media provided more questions than answers. One parent reported that she had to pull her child from a local school after her child was excessively bullied due to school staff and board official's refusal to get involved. This parent had to report her story to media before the school, board, or staff would even acknowledge the problem, let alone act on it.

In my investigation I found that there is a deep lack of trust between the YRDSB and many parents and tax payers it serves. I quickly found out that this lack of trust isn't only isolated in York Region, but Province wide in our public school system to the point where the Ontario Government has stepped in with legislative amendments in School Board Governance, Trustee's and Mandatory reporting. Is legislation enough to correct many problems facing our public school system?

Georgina ended up gaining a large amount of media attention globally around the bullying issues we face in our local schools. In April 2009, a Keswick High School a student was the victim of a racially motivated assault. After he fought back, he was charged with assault and threatened with expulsion from Keswick High. 400 students walked out of the high school to protest bullying and stand up against racism. The decision by the principal for expulsion was overturned, and charges were dropped. This was also the first case out of several reported in media about bullying in Georgina Schools, when the YRDSB officials publically announced it was doing a "Safe Schools Investigation".

According to the Ministry of Education there were amendments to the Safe Schools act that were supposed to be implemented in February 2008 into board policy, which instructed boards to put forth proper investigations on instances of bullying. Media reports by parents and YRDSB's comments on those reports in late 2008 and early 2009 seem to suggest no Safe Schools Investigations were done previous to the Keswick High story. Some of the cases of bullying that were being reported in media were a lot more severe than what happened at Keswick High.

Upon requesting information from the YRDSB in mid 2009 on the implementation of the February 2008 amendments in board policy, along with information on implantation of programs towards bullying, I was given a nearly \$900 quote for this information from the Director of Education's office. I didn't follow through with that request. Instead I contacted my trustee Nancy Elgie to try and obtain this information from her. I was met with a heated response back from Trustee Elgie, claiming that requesting this information was an act of "bullying" and she would refuse to co-operate with any further communications on this subject. Trustee Elgie also refused to comment through local media on the Keswick High story claiming she needed

the board's permission to speak on that issue, which never came. All communications between Trustee Elgie, and the Directors office were handed to the Minister of Education, and the Premiers office, which bombarded me with legislative changes they were working on to the system, that didn't address any of my main concerns with the YRDSB.

The overall issue with respect to our public school system in Ontario is in part legislative, and also with accountability. You can't put forth law and expect or trust those to follow it, without actively policing it. Trustee's are put forth in the education system as the independent public watchdog, but boards have the legal power to muzzle trustee's from speaking against or criticizing their respected boards, and asserting any public scrutiny on our public school system. Toronto School Board Trustee Josh Matlow last year was also threatened with a muzzle when he brought some of his constituents concerns in a board meeting criticizing the actions of the Toronto School Board. In fact he suffered numerous personal attacks by the board in media when this was first reported. The board's decision to shut Matlow up was over turned due to public outcry and media attention on the issue; however nothing has changed within law to correct this.

In our school system, according to the Ministry of Education our courts look after any complaints with respect to direct violations of legislation and law with School Boards. According to Joan Fullerton, Regional Manager for the Ministry of Education Barrie office, this is due to "matters of interpretation that must be determined by the courts and not the Minister".

The Minister of Education is in charge of drawing up legislation and law in the education act. It doesn't make any sense that the Minister would draw up legislation our politicians and staffers can't interpret in any situation, and it must be left for the courts to decide how to interpret law that the Minister has written especially when it comes to School Board Governance and legislation intended to keep our children safe. We have Ministries within Government that have the power uphold law and accountability in the business world outside the court system, why not in our education system? Fullerton has declined further requests for comment on this issue.

The problem with many parents is court action with respect to holding school boards accountable. This is perceived by many to be expensive and time consuming. Many cases of direct violations of law by school boards are not being actively prosecuted due to the perceived cost and time of launching such an endeavor. With respect to Trustee accountability and according to Fullerton, the Ministry of Education has moved to ensure that Trustee expenses be made public on all school boards websites as of February 2010, and if a website doesn't exist Boards need to make the expenses public on request. Upon questioning the Ministry why the YRDSB didn't abide by this recent ruling in posting Trustee's expenses on their website, Fullerton stated that Trustee expenses would now have to be obtained through the freedom of information act, and she would not be following up with the YRDSB on this issue.

There may be wide spread abuses of not just legislation and law by the school boards, but questions should also be raised with respect to the use and allocation of public money in our school system, and whether that money is going towards the concerns of local constituents, since Trustee's in the school system cannot advocate properly within the boards. These are just some of the issues why the Ombudsman of Ontario has come out very strongly in recent months asking our politicians to extend his mandate to investigate further. All Ontario political parties have refused to comment on this idea from not just the

Ombudsman himself, but many parent groups as well. Minister of Education Leona Dombrowsky was also unavailable for further comment.

In some jurisdictions in Ontario however, parents recently have adapted their tactics to make it cheap and affordable to use the courts to hold our education system to account. So many have brought forth small claims suits against their school boards that the McGuinty Government is trying to put a stop to the cheaper small claims suits, in fear it will bog down our court system. These recent law suits may be indicator to the public and with respect to our political representatives that our school system in Ontario is ripe with abuse.

While legislation that is up for interpretation by the courts has been recently implemented by the Government to try and tackle some of the problems facing our school system, the real issue here is how will this legislation be enforced currently and in the future, and is it balanced enough to provide the accountability this system so desperately needs?

It's time for an independent look into our school system in Ontario, to ensure law is appropriately balanced and legislation is not up for interpretations with clear and undisputed rules of the road. Recommendations with respect to how accountability will be inserted in this system also need to be addressed. The current system of accountability looks to be flawed and our court system is either going to be bogged down, or legal costs too expensive to assert any accountability into the system that seems to be riddled with abuse, and neglect of law. Readers are encouraged to call or write to their MPP and the Minister of Education to let their voices be heard on this issue.

Posted by Jason K at Monday, June 07, 2010

Labels: Joan Fullerton, Ministry of Education, York Region District School Board