



Schools consider ombudsman: MacDonald

Initiative by Ontario public boards prompted by growing parental frustration and lawsuits

By MOIRA MACDONALD

Ontario public school boards, for the first time, plan to put the issue of creating an ombudsman for Ontario schools on the table this spring, the Toronto Sun has learned.

At present, parents with complaints about locally-governed school boards cannot take them to Ontario Ombudsman Andre Marin, because he has no jurisdiction.

But Ontario Public School Boards Association President Colleen Schenk confirmed to me her association will discuss the possibility of an ombudsman for school boards in the wake of recent stories that Kitchener-Waterloo parents are launching small claims court suits in a last-ditch attempt to get schools to deal with their complaints their kids are not being protected.

"We are bringing forward the idea of an ombudsman," Schenk said. "There are certain advantages to that since it wouldn't be as costly as small claims actions."

Have we finally reached the tipping point of parental frustration over the lack of recourse our school system provides when parents feel it's not living up to its responsibilities?

Stories surfaced in the Kitchener-Waterloo Record last week about four small claims court cases filed by parents against area schools (one private school) and school boards (public and Catholic) since January.

Most involved allegations of bullying, one involved an autistic student whose family felt she was denied proper special needs services, another claimed children's aid had been brought in without the parents' knowledge to interview a student who had been cutting herself.

Reporter Greg Mercer's first story said the Waterloo Catholic School Board wanted the provincial government to intervene to prevent parents from going the small claims route.

"You can just see the herd coming over the hill," board public affairs manager, John Shewchuk, was quoted saying. "You're going to find more people who, quite frankly, don't like the answer they got, so they're saying 'fine, I'm going to sue you.'"

The province's response is it wants parents to talk their way up the school board ladder — teachers, principals, superintendents, trustees, to resolve disputes.

But when parents are apparently equated to livestock, it's little wonder some lose faith. I contacted Shewchuk, but he e-mailed me the board would not be commenting further.

Bill Mason, a retired paralegal who says he helped the mother in the initial suit against Waterloo Catholic, told me several other lawsuits have either been filed or are about to be, and he knows of 14 other parents preparing cases. The one he helped with, believed to be the first small claims case against an Ontario school board, resulted in a confidential, out-of-court settlement, but the bullying situation at the school did a 180-degree turn "overnight."

“The whole intent has nothing to do with money,” Mason told me. “These mothers will tell you they’ll take a dollar for the settlement as long as they get the school to change.”

The underlying issue here is not really whether these particular lawsuits are valid or even if this is what small claims court is for.

The bigger point is parents are trying them because people well-paid to run our schools have failed to convince them there is a better way for them to be fairly and meaningfully heard when they have complaints and concerns.

The recently-passed provincial Bill 157 is supposed to clean up problems with bullying and children’s protection at school. But if it’s not enforced, and that’s at the heart of many parent complaints, what then?

Schenk said OPSBA is looking at what the Quebec English School Boards Association (QESBA) is doing as a precedent. Since 2008, Quebec school boards have been required to have both a complaints procedure and, if people are still not satisfied, an ombudsman.

QESBA is considering sharing an ombudsman among its member boards.

Good on OPSBA for raising the issue. But will the province leave leadership on this one entirely up to them?