



SUMMARY

Preliminary Investigation Report

ÉCOLE SECONDAIRE PUBLIQUE OMER-DESLAURIERS

Conseil des écoles publiques de l'Est de l'Ontario
(CEPEO)

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Human Rights and Equity Commissioner
December 2020



On December 16, 2020, the Director of Education for the Conseil des écoles publiques de l'Est de l'Ontario (CEPEO) gave me, the Human Rights and Equity Commissioner, a mandate to conduct an investigation into the allegations made by some parents of École secondaire publique Omer-Deslauriers regarding unfair treatment suffered by their children. The parents allege that their children and families have been the targets of discrimination.

These allegations, mostly documented in a petition sent to the CEPEO administration, are serious and occur in a context of tense relations between a group of parents and CEPEO. The climate has been exacerbated by the pandemic and a COVID-19 outbreak that occurred at the school in the fall of 2020.

The preliminary report is the first step of an investigation that I will continue to conduct into the discrimination allegations made by the parents in the petition sent to the School Board of Education. The nature of the allegations, the particularly strained tensions between the two parties, and the urgency of the situation regarding the students' well-being have driven me to present a preliminary report that must be taken into consideration by all parties involved.

Subject of the complaint:

- According to the parents' allegations, the school administration failed in its obligation to apply health measures relating to the COVID-19 health crisis. The plaintiffs allege that "*public health measures were not sufficiently adapted to the needs of the school or were not followed to the letter across the whole school under the administration's supervision.*"¹
- In the petition, the parents feel that the school administration did not develop a contingency plan.
- The parents denounce the merger of the IB (International Baccalaureate) groups, which according to them contributed to the COVID-19 outbreak in October 2020.

¹ Excerpt (translation) from the petition ODL_PETITION_001



- The administration's² lack of communication was harmful for the parents, who felt “discriminated against and humiliated.”
- The parents' allegations also relate to an appearance of discrimination within the Omer-Deslauriers school community. This feeling by the parents constitutes the primary focus of this preliminary report.
- The plaintiffs demand that three members of CEPEO administration be dismissed.³

Note that some allegations against CEPEO staff members were relayed on social media and are not discussed in this investigation in light of their vexatious nature.

Regulatory framework:

My investigation seeks to determine whether any breaches in CEPEO's regulatory framework relating to human rights and equity occurred in the planning, development, or implementation of decisions made by the administration at École secondaire publique Omer-Deslauriers.

I will base my analysis on the following regulatory framework:

- *Canadian Charter of Rights and Freedoms*
- *Human Rights Code of Ontario*
- *Education Act of Ontario*
- Équité et éducation inclusive: engagement et actions — ADC04 (CEPEO)
- Équité en matière de relation raciale et ethnoculturelle — FON01 (CEPEO)
- Conseil d'école et comité-conseil pour une école sécuritaire — ADE01 (CEPEO)
- Prévention et règlement de toute forme de harcèlement et de discrimination en milieu de travail - PER21(CEPEO)
- Ministry of Health recommendations and guidelines
- Operational guidance: COVID-19 management in schools
- Ottawa Public Health recommendations and guidelines
- CEPEO protocol for COVID incidents

² In this investigation, “administration” refers to the CEPEO administrative staff designated for day-to-day management of the school. This includes the superintendent responsible for this school, the school principal, and vice principals.

³ These parental allegations and demands will not be discussed as part of this preliminary report, since they fall outside the scope of the commissioner's mandate.



Investigation methodology

In addition to relying on the regulatory framework given above, this investigation was conducted by consulting relevant documents, analyzing communications between members of the school administration, interviewing the school administration and CEPEO administration, and through a meeting with parents who signed the petition.

Context and background of tensions

To understand the nature of the relationship between CEPEO and the parents who are members of the Omer-Deslauriers school council, it is important to go back to the origins of the actions that drove the parents to mobilize.

The perception of systemic discrimination described by the parents goes back a few years. In a letter sent to parents on September 6, 2019, the school administration informed parents that it was unable to find an adult who could supervise high school students during prayer.

The parents felt “scorned” by the administration because of their cultural and religious identity. They feel that this scorn may translate into discrimination against their children.

Another incident occurred a few months later. On October 1, 2019, the École secondaire publique Omer-Deslauriers administration sent a letter to residents and business owners in the Coach House Gate area to warn them about the actions of certain students at École Omer-Deslauriers.

This letter increased the feelings of exclusion felt by some parents of the Omer-Deslauriers school community. The parents feel that the school failed in its duty to protect their children.

In its response, the administration stated that it was aware of the potential impact of the intervention with neighbouring residents and businesses. Although the administration agreed the situation was “unfortunate,” it also felt that the acts of vandalism committed by a few students had tarnished the reputation of the whole student body.



The two decisions taken by the school constitute deficiencies with regard to the spirit of the *Education Act* of Ontario and CEPEO's policy on inclusive education and equity: engagement and actions.⁴

Recommendations:

The Human Rights and Equity Commissioner recommends that the following measures be taken as soon as possible to ensure the well-being and academic success of the students:

- The CEPEO administration must, no later than June 25, 2021, develop an implementation plan for capital investments expected for École secondaire publique Omer-Deslauriers.
- The CEPEO administration must, no later than June 25, 2021, identify and propose professional development elements relating to intercultural competencies from an equity and human rights perspective for École secondaire publique Omer-Deslauriers staff. This professional development plan must be ready for implementation for the 2021-2022 school year, regardless of circumstances.

The Human Rights and Equity Commissioner recommends that the school board implement a conciliation process involving mediation between school board administration representatives, representatives of the parents of students, and the Human Rights and Equity Commissioner, before the 2020-2021 school year ends. The objective of this mediation, which will be mandated until the end of 2021, will be to establish a dialogue between the parties involved and implement the recommendations of this report in keeping with CEPEO policy on inclusive education and equity: engagement and actions, and the resulting provisions.

COVID-19 outbreak

It is the school board's responsibility to follow the recommendations of Ottawa Public Health. The Human Rights and Equity Commissioner is not responsible for ensuring that the school board implements the measures recommended in the health protocol. It should be understood that the Commissioner will not conduct an investigation on

⁴ Conseil des écoles publiques de l'Est de l'Ontario, *Équité et éducation inclusive: engagements et actions*, Compendium of policies, ADC04, 2010. [French only]



the school board's application of these measures, or the parents' allegations regarding the school administration's responsibility for the COVID-19 outbreak at the school.

IB class merger

The parents who signed the petition have denounced the merger of the International Baccalaureate (IB) program groups, which contributed to the COVID-19 outbreak at the school.

Note that the merger of IB classes was the result of resource allocation the school board administration required of school administrations. My investigation reveals that on October 13, 2020, the school administration was informed of a staffing review, and had to provide a revised staffing plan on October 16. The school principal obtained an extension to present a revised plan on October 21.

The Commissioner observes that the decision to proceed with the staffing review gave the administration very little time to assess the impact of this change on the school's service offer.

Recommendation:

The Commissioner recommends that any change to school staffing be coupled with a service offer evaluation formula that would enable school administrations, with support from teaching services, to evaluate the impact that such a staffing review could have on services to students, parents, and the entire school community. The school board administration must offer a reasonable deadline of 10 business days for any school administration to proceed with this evaluation to ensure that the staffing review is fair and limits the negative impacts of such changes.

Lack of communication

The parents who signed the petition denounce a lack of communication from the school administration. They allege that the school administration is "opaque in its



management, and does not provide even the slightest glimmer of transparency on its decisions.”⁵

It should be noted that the school administration has not always answered parent communications within a reasonable timeframe. As an example, a response to a parent’s email was sent five weeks after that message; this cannot under any circumstance be considered good practice.

However, it is important to take into account that the vexatious nature of some of the messages may have caused staff to hesitate to respond to parent communications.

Recommendation:

The Commissioner recommends that the school board immediately adopt administrative best practices to ensure that parents communicating with their children’s school receive responses as quickly as possible. It is self-evident that, even if the administration is not able to immediately respond to a parent, they must at least send a message indicating that they received the parent’s message, and then follow up within a reasonable timeframe.

The school council

Tensions between the school administration and the school council, composed of parents who signed the petition, are not favourable conditions in which to launch a constructive dialogue for the success of the Omer-Deslauriers school community.

Despite their initial participation in discussions undertaken by the CEPEO administration, the parents were never reassured by the school board’s intention to condemn such decisions. Today, the parents’ indignation has in some cases led to vexatious excess that cannot be condoned by the frustration and anger generated against the school board.

This attitude has also resulted in difficulty establishing harmonious dialogue with school council representatives.

It is crucial for the students’ well-being that the members of the school council remain open to dialogue and participate in the building of an inclusive school board

⁵ Excerpt (translation) from the petition ODL_PETITION_001



that will help their children succeed at school. The parents of École secondaire publique Omer-Deslauriers have a unique opportunity to work with everyone at CEPEO to ensure that the school board becomes an inclusive environment, free of discrimination.

The school council must play the role assigned to it under Regulation 612/00,⁶ which states that the mission of school councils is to improve student achievement and to enhance the accountability of the education system to parents, with the parents' active participation.

The school council must be a place that allows for respectful discussions between different members and representatives of the school's various communities.

Recommendations:

The Human Rights and Equity Commissioner recommends that the Omer-Deslauriers school council adopt the following measures as soon as possible:

- All members of the Omer-Deslauriers school council must complete training about the role and responsibilities of the school council under Regulation 612/00 before the end of the 2020-2021 school year. The school board is responsible for organizing this training for the members of the school council.
- The Omer-Deslauriers school council must, before June 25, adopt a code of ethics for its members. This code must include subjects such as the limits of the role and responsibilities of the school council, conflicts of interest, and how members should interact in order to respect democratic principles and minimize and manage conflicts. This code shall refer to the measures prescribed in the school board's administrative guidelines, ADE01, regarding school council management.
- The Omer-Deslauriers school council must immediately comply with the measures established by section 16 of Regulation 612/00 regarding the publication of meeting minutes and the deposit of the minutes according to the measures established in the Ministry of Education's school council guide.

⁶ Legislative Assembly of Ontario, O. Reg. 612/00: School Councils and Parent Involvement Committees, under Education Act, R.S.O. 1990, c. E.2



Preliminary assessment:

As CEPEO's Human Rights and Equity Commissioner, I am very concerned for the success of the Omer-Deslauriers school community. It is clear that the current tensions are detrimental to growth in this school community and preventing certain stakeholders, students, and teachers from working harmoniously. The entire school community must pull together and adopt a proactive and caring attitude for the well-being of the students and teachers at the school.

I will continue my investigation in order to respond to the other allegations of the parents who signed the petition. These allegations are mainly focused on resource allocation at École secondaire publique Omer-Deslauriers and student academic success. In the next year, I will follow up on the implementation of the recommendations of this report and any other initiatives taken by the involved parties. I will regularly report on the progress of my investigation into Omer-Deslauriers to the CEPEO Director of Education.

I invite the school board administration and the parents to initiate a constructive dialogue without further delay. The school board must seize this opportunity to implement a more inclusive framework for all its communities and maintain an empathetic and caring approach for its students, their families, and the teachers in their school communities.