



June 10, 2014

This is the response to the appeal of the March 13, 2014 accommodation decision for Westgate and Bishop Pinkham Schools indicated below:

School	Effective September 2014	Effective September 2015	Effective September 2016
Westgate School	K-4 French Immersion K-4 Spanish Bilingual Program <ul style="list-style-type: none">▪ <i>there will likely be no capping of enrolment at Westgate School for September 2014</i>	K-5 French Immersion	K-6 French Immersion
Glenmeadows School	N/A	K-5 Spanish Bilingual Program <i>Temporary location at Viscount Bennett Centre may be required</i>	Spanish Bilingual Program (grade configuration to be determined)
Bishop Pinkham School	Regular Program Grades 7-9 French Immersion Grades 5-9 Spanish Bilingual Grades 5-9	Regular Program Grades 7-9 French Immersion Grades 6-9 Spanish Bilingual Program Grades 6-9	Regular Program Grades 7-9 French Immersion Grades 7-9 Spanish Bilingual Program Grades 7-9
A. E. Cross School	N/A	N/A	To be determined if required for Spanish Bilingual

Decision from the Deputy Chief

On March 13, 2014 the CBE issued an accommodation decision to address the capacity issues at Westgate and Bishop Pinkham schools. That decision was appealed. I have determined that the March 19, 2014 decision should be upheld. The decision-maker was reasonable in his application of CBE policies. Accommodation decisions are the product of many reiterations of different scenarios. The decision reached is the result of a myriad of factors with consideration of input from parents with diverse perspectives.

I do not believe there were any significant procedural irregularities that cast doubt on the decision. The initial decision reached on January 9, 2014 was overturned on appeal resulting in additional consultations and a new decision.

The accommodation decision will proceed as planned. This decision is final and not subject to further review.

Background

The CBE first identified capacity and space issues at Bishop Pinkham and Westgate in 2010. In 2012, the issue came to the forefront of the accommodation planning process. At that time the CBE identified that it needed to plan for sustainable K-9 French Immersion and Spanish Bilingual programming at Westgate and Bishop Pinkham schools. The engagement process related to the French Immersion and Spanish Bilingual programs at Westgate and Bishop Pinkham began with a parent meeting on December 3, 2012. The key issues identified were:

- The need to provide a sustainable kindergarten to Grade 9 French Immersion program for students residing in the Westgate/Bishop Pinkham attendance area, including potential growth in the entrance grades to meet demand.
- The need to provide a sustainable kindergarten to Grade 9 Spanish Bilingual program for students residing in the Westgate/Bishop Pinkham attendance area, including potential growth in the entrance grades to meet demand.
- Without an adjustment to current grade configurations, and/or site redesignation, neither Westgate nor Bishop Pinkham will be able to accommodate projected numbers for the 2013-2014 school year.

Following the December meeting, parents were given the opportunity to review the scenarios, suggest alternate scenarios and provide feedback online via the Thoughtstream and YourVoice process. YourVoice is accessible at all times via the CBE website. It is not specific to a project but rather a means for members of the public to provide input to the CBE. The Thoughtstream process is an online time limited portal designed to gather feedback on specific initiatives.

On January 9, 2013 the CBE held an Open House with the public to obtain feedback on the scenarios arising from earlier consultations. The feedback from the January 9 meeting was used to revise the scenarios and narrow the options to three different scenarios. Parents were given the opportunity to share their perspective on the scenarios via Thoughtstream and YourVoice. On February 27, 2013 the CBE hosted another parent meeting where feedback and questions raised through Thoughtstream and YourVoice were shared with parents.

In March 2013 the Area Director wrote to parents to advise that because of the extensive feedback and the complexity of the French and Spanish programs accommodation needs, the final recommendation had been delayed. On April 8, 2013 decisions for a short-term plan for 2013-14 were shared. The CBE indicated at that time that a longer term solution would be developed by April 2014.

On January 9, 2014 the CBE issued a decision to keep K-5 French at Westgate School in 2014/2015 and to move the K-5 Spanish Bilingual to Eugene Coste School. It was also decided that the CBE should designate Grade 6-9 in both programs to Bishop Pinkham School. This means that for 2015-2016, Westgate would house K-6 French Immersion, while Eugene Coste would house the K-6 Spanish Bilingual, and Bishop Pinkham would house Grades 7-9 for both the French and Spanish programs. On January 20, 2014 at an Open House at

Eugene Coste parents were given the opportunity to provide feedback on start times for the school.

A number of parents appealed the January 9, 2014 decision to the Area Director. The main argument on appeal was that the CBE failed to identify Eugene Coste as a possible outcome in the consultation process, thereby denying parents a full opportunity to offer input before a decision was made. On January 28, 2014 the appeal was upheld. As a result, further engagement began on February 5, 2014, and parents were asked to provide input on three options. An open house was held on February 11, 2014 for parents to provide additional feedback on the same three options.

After the open house, the Government of Alberta provided new information to the CBE regarding the availability of Glenmeadows School. This information was incorporated into the CBE decision.

The new accommodation decision was shared with parents on March 4, 2014.

- Effective September 2014 Westgate School would have K-4 French Immersion and K-4 Spanish Bilingual Program. Grades 5-9 in both programs would attend Bishop Pinkham.
- Effective September 2015 Westgate School would have K-5 French Immersion. Glenmeadows School would have K-5 Spanish Bilingual and Bishop Pinkham would have Grades 6-9 in both programs.
- Effective 2016 Westgate would be K-6 French Immersion, Glenmeadows Spanish Bilingual (grade configurations to be determined) and Bishop Pinkham Grades 7-9 for both programs. For 2015 and 2016 a temporary accommodation plan for Spanish Bilingual Program would be developed if Glenmeadows School was not available. A.E. Cross School might be required for Spanish Bilingual in 2016.

This decision was appealed to the Area Director. On March 13, 2014, the Area Director upheld the accommodation decision.

Some parents appealed this decision to the Chief Superintendent. The Chief Superintendent declared a conflict of interest in the matter and delegated the hearing of the appeal to me. I am currently the Acting Deputy Chief Superintendent of Schools. I was not involved in any of the initial discussions or decisions-making processes for the decision.

My authority to hear this appeal is contained in Board Policy CSR-4E. This policy has delegated the hearing of Board appeals to the Chief Superintendent. The Chief may sub-delegate his authority provided it is consistent with the Board Policy. The Chief Superintendent delegated this matter to me in mid-April 2014.



Issues on Appeal

The grounds of appeal are contained in the April 11, 2014 letter distributed to the parents. They are:

- 1 | Whether there were any significant irregularities in the process used by the CBE in making the decision. The actions of the CBE would have to have a significant impact on the fairness or basis of the decision.
- 2 | Whether the Area Director disregarded CBE policies or unreasonably interpreted CBE policies or the law of Alberta.

In considering the grounds of appeal, I also considered the following questions:

- whether the decision appealed is in accordance with legislation, board policies, and procedures;
- whether the decision appealed was reached through a process that was fair to the student(s) and after consideration of relevant information;
- whether the evidence presented to the Chief Superintendent supports the decision or calls it into question;
- whether the decision was reasonable in the circumstances; and
- whether there are special circumstances that would warrant making an exception to a board policy.

The relevant CBE policies are:

- Administrative Regulation 1090 (“AR 1090”)
- CBE 3 Year Capital Plan
- CBE 10 Year Accommodation and Facilities Strategy (“10 Year Strategy”)
- Board Policy CSR-4E

The CBE received four appeals of the March 13, 2014 decision. The arguments outlined in the four appeals are similar in nature. I will do my best to summarize those arguments in a logical fashion. I have organized the issues into themes and addressed them in relation to the grounds for appeal.



Analysis

Ground One | Whether there any significant irregularities in the process used by the CBE in making the decision?

Parents indicated that the CBE did not follow proper procedure because it revisited and changed the January 2014 decision. Parents argue that this change occurred because of negative media attention and “loud parents”. They also believe that the CBE made a promise with its first decision and then reneged on it by changing the decision.

I agree that the decision was changed, but I do not believe it was due to a procedural irregularity. The re-opening of the decision and the engagement process resulted from the January 9, 2014 decision being overturned on appeal. Accommodation decisions are appealable, and while the process was not contained in the procedures, the right stands. In my view this does not create a procedural irregularity. The outcome of the appeal required the engagement process to continue. All parents, including those who agreed with the first decision, were given additional opportunities to have input on three different scenarios via Thoughtstream, YourVoice, and the Open House held on February 27, 2014.

The second procedural concern advanced by parents is that when Glenmeadows became available it was not brought forward for public engagement even though it formed part of the March 13, 2014 decision of the Director. I do not believe it was necessary to reopen the engagement process to account for this development. Glenmeadows addresses two of the main concerns raised about the initial decision. The main concern raised by a majority of parents was that Eugene Coste was too far from the community. Glenmeadows addresses this concern. The Glenmeadows site also addresses the concerns raised by parents about long-term programming options by providing a sustainable long-term space for the Spanish program. During the consultation and appeals process the CBE received a lot of feedback on the importance of having long-term alternative programming options for students in the area. This decision enables the French Immersion students to continue at Westgate and provides a more permanent space for the Spanish program at Glenmeadows.

Accommodation decisions are the product of many reiterations of different scenarios. The decision reached is often the result of a myriad of factors with consideration of often conflicting input provided by parents. In my view it was not unreasonable for the CBE to consider Glenmeadows without further consultation because this option was responsive to a number of concerns by parents throughout the consultation process.

Ground Two | Whether the Area Director disregarded CBE policies or unreasonably interpreted CBE policies or the law of Alberta.

Parents raised several concerns regarding the application of CBE's policies. They argue that the CBE did not weigh the guiding principles or policies properly

to the detriment of students. I believe the arguments fall into three categories: failure to plan in sustainable manner, inadequate consideration of the principle of minimizing disruptions to students, and not keeping cohorts together.

Section 5(2) of Administrative Regulation 1090 (“AR 1090”) sets out the guiding principles that must be considered in all accommodation and planning decisions. The guiding principles in AR 1090 are:

AR 1090

- Minimize disruption for students
- Provide program continuity from Kindergarten to Grade 12
- Keep cohorts of students together
- Allow students to attend school as close to home as possible
- Provide long-term sustainability
- Use space and resources effectively
- Provide equitable access for all students to quality learning environments and choice of programs

The 10 Year Accommodation and Facilities Strategy (“10 Year Strategy”) also contains guiding principles:

- Balance among equity, access, excellence and choice
- Minimum disruption for students
- Learning continuum
- Attending school as close to a student’s residence as possible
- Efficient use of space and resources
- Utilization factors at both the system and school level

The CBE approaches each accommodation plan as unique. That requires consideration of many factors such as the facilities available (present and future), the financial and other resources of the CBE, community demographics, and input from parents. There is a wide range of potential outcomes across the system depending on all the variables. Decisions are made in a way that best balances all the different factors. It is not an exercise of tallying up or ranking of principles.

I have reviewed AR 1090 and the guiding principles in the 10 Year Strategy and note that neither document ranks the guiding principles in order of importance. The guiding principles contained in AR 1090 and the 10 Year Strategy should be viewed as equally important factors that inform the decision-making process. The CBE’s policies require it to consider all relevant factors, including the guiding principles, based on the circumstances. Ultimately, all accommodation decisions are a delicate balancing exercise requiring the decision-maker to make difficult decisions in the face of often conflicting public opinion.

Long-Term Sustainability

Parents argue in their appeals that the decision will create long-term overcrowding at Bishop Pinkham and Westgate. The parents argue that this demonstrates an ineffective use of space and resources and shows that the decision-maker was unreasonable in his decision.

Based on the Glenmeadows information, the decision-makers determined that it was feasible to delay reconfiguration of Westgate and Bishop Pinkham for the 2014/2015 school year. I recognize that this decision means Westgate will continue “as is”, which is not the desired outcome for many parents.

Many factors impact how classroom space is utilized in schools. I believe the March 19, 2014 decision addresses the capacity issues over the long-term. The capacity at Westgate is 725. This year the school had 684 students consisting of 527 full time students and 157 half time kindergarten students. This is a utilization rate of 84%. In 2014/2015 the school is projected to have 592 full time and 169 half time students. This produces a utilization rate of 94%. With the accommodation decision the population will decrease in 2015/2016 and result in a projected utilization rate of 61%. In 2016/2017 the school is projected to have a utilization rate of 72%.

The long term trend is similar at Bishop Pinkham. Bishop Pinkham has a capacity of 740 students. This year it has 648 students which is utilization rate of 91%. In 2014/2015 the school is projected for 703 students which is a utilization rate of 98%. With the accommodation decision the utilization rate changes to 91% in 2015/2016 and 79% in 2016/2017.

With current space issues across Calgary Board of Education schools (17% of schools are at 100% capacity or more) this temporary crowding does not constitute an unreasonable use of space and resources. Over the long-term the accommodation decision ensures that neither school is over capacity. I recognize that there may be some short-term capacity issues resulting from the decision; however, when considered in the long-term the decision adequately addresses the CBE's resource and space issues.

Another common concern among parents is that Glenmeadows will not be available in time. Parents argued that the CBE should place one of the two programs elsewhere. Accommodation decisions require decision-makers to focus on long-term use of CBE resources. In this situation the Government of Alberta has offered space at Glenmeadows, and I believe it is prudent for the CBE to take advantage of any space that becomes accessible within a reasonable period of time. It would be unreasonable not to do so.

I recognize that this decision may require interim or short-term steps, but the final decision is sustainable in the long-term. The accommodation decision by the CBE contemplates the development of a contingency plan in the event that Glenmeadows is not available. The CBE has committed to including parents in developing the contingency plan. In my view this constitutes reasonable planning. As long as a contingency plan that keeps grade cohorts together is in place, and the CBE continues to work with the Government of Alberta with respect to access, Glenmeadows is a reasonable option.

Minimizing Disruption to Students

Parents argue that the decision does not adequately minimize disruptions from transitions, and therefore, demonstrates that the decision-maker failed to apply



the guiding principles in the CBE policies. Part of this argument is that a cohort of students may move from Westgate to Viscount Bennett and then to Glenmeadows. This argument is based on the assumption that Glenmeadows will not be available for the 2016 school year.

AR 1090 and the 10 Year Accommodation and Facility Strategy require the CBE to consider all guiding principles, including the need to minimize disruptions. As stated above, no one factor is more important than the other. The need to minimize disruptions must be considered in light of all other guiding principles and in light of the available resources, community demographics, input of parents, and all relevant information. I believe the accommodation decision here adds a transition, but provides continuity for the long-term needs of students. When fully implemented this accommodation decision will result in a K-4 French program at Westgate which will grow over time to a K-6, and an elementary Spanish program at Glenmeadows. Within both programs students will transition to middle or junior high and high school programs.

A critical element in mitigating disruption is to develop a good transition plan for students. The Area Director confirmed that students will be supported by their school leaders in both Westgate and Bishop Pinkham. I am confident the CBE can work with parents to develop a transition plan that minimizes the impact of disruptions.

Keeping Cohorts Together:

Parents also raised concerns about the failure to keep cohorts together. The parents based their arguments on the fact that some sibling groups will not be kept together and propose that the CBE should consider family groupings when deciding on cohorts. In my view, cohort can be interpreted in the guiding principles as a group of students who know each other and have been together for some time such as a grade grouping. The term cohort is defined on Wikipedia as "a group of subjects who have a shared particular event together during a particular time span"- i.e. grade cohorts. Similar definitions are available at Miriam-Webster online. The concept of keeping families together is not reflected in the guiding principles. Siblings often end up in different schools due to grade configurations. I believe the decision-maker properly considered the need to maintain cohorts in his decision.

In considering all factors I believe the March 19, 2014 decision adequately considered the guiding principles.

Summary |

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scenarios. The decision reached is the result of a myriad of factors with consideration of input provided by parents with diverse perspectives.

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