

Understanding Canadian Schools: An Introduction
to Educational Administration (6th Edition)

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Educational Administration
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*DAWN WALLIN, JON YOUNG, AND
BENJAMIN LEVIN*

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Preface

Introduction (6th Edition)

This book was written for those who want to know more about educational administration and school organization. We see the book having three main audiences. The first includes those who are studying educational administration and school organization as part of an undergraduate or graduate program in a university. The second audience is students enrolled in a post-degree or graduate course in which the book is used, either in whole or part, to provide a Canadian perspective in areas where there is not a substantial scholarly literature. The third audience consists of a wider public, such as school board members, school advisory council members, or interested parents who have come to be involved with school administration and want to develop a better understanding of this subject.

Many students regard the study of school organization as a subject that has little connection with the everyday realities and needs of teaching. This is probably particularly true of those in preservice teacher education programs, who may be inclined to regard this course as another requirement unrelated to what they want and need to know to become a teacher, such as how to manage a classroom. However, as we try to illustrate throughout the book, matters of school organization are important precisely because they have such an enormous influence in determining the nature of teachers' work and of students' learning experiences. Learning about school organization is important not just as an intellectual exercise, but because such knowledge gives all those involved in public education the ability to understand and be more effective in their work environment.

Another important purpose of this book is to help readers become critical learners and thinkers. When we use the term "critical thinkers" we mean people who ask questions about why things

are as they are, who evaluate practices and ideas based on careful analysis and evidence, and who are committed to trying to change things for the better. This requires that people think carefully about schools and how they work.

We do not regard education at any level as being simply a matter of learning some set of essential facts. Rather, we believe education should focus on central ideas and questions that are more important than particular pieces of information. Facts, obviously, have their place—any worthwhile idea or opinion must be supported by reason and evidence. One cannot have an informed opinion without some knowledge about the matter at hand. At the same time, formal education has too often consisted of memorizing discrete pieces of content without placing them in a larger framework or connecting them to each student's own understanding of the world.

In this book we try to focus on the enduring issues in education in Canada while also taking account of the important changes that are occurring. Rather than focus on facts, we try to stress ideas and questions. We do so because the questions will remain, even though the facts may change. For instance, we might have listed—and students might be asked to learn—the law regarding home schooling in all ten provinces. But that law will change over time, while the central questions concerning home schooling (for example, around the ability of the state to compel behaviour) will not change. Learning the current law may be important for a particular purpose or for thinking about the larger questions, but by itself it is not enough.

Consider also what it means to “know a fact.” Take the fact, well supported by research, that in most classrooms boys speak more often than girls, are called on by teachers more often, get more attention from teachers, and interrupt girls quite regularly. Does being able to repeat this sentence on an exam mean that we know it? Or do we truly know it only when we have internalized it to the extent that it affects our behaviour as teachers and students? Furthermore, could we say that a young girl in elementary school, subject to being interrupted, “knows” this fact even though she

could never articulate it? In other words, there are various forms of knowing, and our interest is in the form that means more than the ability to repeat something—namely the integration of that knowledge into our ideas and behaviour.

This sort of knowing depends much more on the students than it does on teachers. Of course, teachers can play an important role in showing students connections among ideas, in asking probing and challenging questions, in pushing students to articulate the full implications of their ideas, and in treating students with respect and consideration. But in the end, it is the students who must determine the meaning that ideas have for them, and who must integrate new knowledge with their existing ideas, beliefs, and values.

To make this statement is to describe a socially constructed version of knowledge. By this we mean that knowledge is something people make for themselves, whether individually or, more often and more powerfully, in groups or social settings. Our sense of what the world is and how it is to be understood comes from the collision between each of us as a person—our ideas and experiences—and the events of our lives, many of which are beyond our control. People can and do disagree vehemently on what seem to be straightforward matters. Is education improving or getting worse? Are teachers dedicated professionals or overpaid babysitters? People disagree on these questions because our predilections, life experiences, and social context have pushed our thinking in different directions.

There is, then, no single right way of looking at the issues raised in this book. Indeed, we hope and expect that there will be active debates about many of these issues in and out of class. Readers should treat the material in the book not as something to be written down in notes and memorized, but rather as a basis for debate, what is sometimes called “interrogating the text.” Discussing differing perspectives and learning to understand how others see the issues (and why) is to us a critical part of education at all levels.

On the other hand, we do not believe that one opinion is as good as another. Anyone who truly did believe this statement would be unable to maintain any opinions of their own because there would

be no basis for preferring them to any other opinion. It is important to test our ideas and opinions against those of other people, against data or evidence on the matter in question, and against the ideas of scholars in the field. We should strive always not just to have an opinion but to develop an informed opinion—one that can be supported or justified by careful, reasoned argument and the best available evidence.

Critical thinking and informed opinion, however, are not sufficient in themselves. They must be directed toward some goal or objective. Fundamental to our writing this book was our wish to foster in readers the desire to make schools the best places they can be. This task requires an understanding of schools as they currently exist, and of the factors that have shaped and continue to shape them. It also requires a moral commitment to particular values. But just as importantly, it requires that people be prepared to work to have those values realized. If the earlier two elements are difficult, this last is even more so.

A goal of improvement means that schools are places of struggle. People will disagree about what schools can and should do, and about how they should do these things. Such disagreements can and will occur between teachers and administrators, between teachers and students, between teachers and parents, and among people in each of these groups. Individual teachers are often themselves struggling with what they mean by schooling and education, and with how best to achieve their goals. Schools, like all human activities, are, in a sense, re-created every day by the actions of people who choose to do things differently, to learn from experience, and to try something new. Far from seeing this struggle as a problem to be overcome (“if only we could agree once and for all”), we see it as a fundamental condition of human existence. The struggle can be frustrating and difficult, but it can also be invigorating and tremendously rewarding. It is the opportunity to make the world a better place that makes teaching such an important and potentially rewarding activity. As Foster (1986) puts it, “We, as teachers and administrators, are engaged in a profession

whose purpose is to make a difference. The joy of being an administrator or a teacher is to recognize and understand that each life makes a difference” (p. 70).

A Focus on Provincial Public Schooling

The purpose of this book is to help readers understand the different ways in which organize Kindergarten to Grade 12 education in schools under provincial jurisdiction in Canada. We have been asked over time to add more content related to First Nations schools. Although we have added more information about Indigenous education to this version, we recognize that this text does not do justice to First Nations schools on reserve that are under federal jurisdiction, nor does it comment significantly on private or independent schools that exist in various provinces. We suggest that it is impossible to compare systems that are significantly different in how they are governed, administered and organized. In fact, we would advocate that an entirely separate book needs to be written about First Nations schools, their histories, contemporary issues, governance structures, and educational programming and outcomes. It would not be equitable to “compare” systems that have entirely different histories of development, and if we were to try to do justice to a comparative text (if the data were available, and much of it is not available for federally funded schools), the length of our book would likely double at least. To that end, we have added in commentary in places where it would be helpful to consider differences or similarities in the design of these systems, but we do not claim that this text is a fulsome representation of First Nations schools on reserve. We believe that First Nations schools on reserve deserve attention dedicated specifically to their purposes, design, and enactment.

The Organization of This Book

In writing this book, we tried to keep in mind issues of design and organization as well as content. Features such as case studies, real examples, and current Canadian data are intended to make the text both more interesting and easier to understand.

Order

The book begins with broad issues of school organization, while later chapters focus more on the school and the classroom. Recognizing that there are numerous interrelationships among the elements in the various chapters, and that the ideas are interconnected, we have done some cross-referencing in the text but have tried to avoid making the practice annoyingly frequent. The order in which the chapters are studied can certainly be altered, with the exception of Chapter 1, which should be read first. Chapter 10 looks at some of the main changes that are occurring in the context of education, so some readers may find it useful to read this chapter earlier as well.

Themes

The chapters have been organized around a number of central questions or issues, which are introduced at the beginning of each chapter. In addition, the chapters begin with a prologue—a vignette intended to illustrate some of the links between the practice of teaching and the ideas presented in the chapter. We have left it to readers to make use of these, as well as their own, connections between the text and the realities of daily life in schools.

Examples

The book has an explicitly Canadian focus. To that end, we have included examples, statistics, excerpts from documents, and other data drawn from various parts of Canada. The reading lists and references draw extensively from Canadian sources, though we also include relevant sources from elsewhere. These materials are intended to promote class discussion or debate and may form the basis for written assignments in a course. We also encourage you

to include, where appropriate, material from your own province or local area.

Exercises

The exercises at the end of each chapter are intended to focus attention on many of the key points made in the chapters. They range from the relatively simple to the complex and can be used in various ways. Some are appropriate for use as course assignments, depending on the instructor's wishes. Others can be used as class activities to promote discussion, and still others can be taken up by students independently as a way of expanding their understanding of the issues raised in the book.

Sources of Current Information

Although we have endeavoured to provide the most recent available information, it is inevitable that some of the material will be outdated by the time you read it. Many aspects of education across Canada are changing rapidly. New legislation is regularly being introduced into provincial legislatures but that legislation may take years to become law and may be altered or withdrawn in the meantime. All provinces collect a multitude of statistics related to public schooling but these statistics may only be collated and published a year or more after they were collected. Inter-provincial comparisons often take longer to generate. It is important, then, for readers to seek out the most current information on their own situation by looking at materials produced by provincial governments, teacher and school board organizations, school districts, and others interested in education.

The Internet has become the primary source of current information about education. Most educational organizations have websites that include access to documents, or at least information about current documents and issues. These include most provincial departments of education and most national organizations as well

as many school districts and schools. University faculties of education also have online information on current research.

No book can possibly contain everything a reader might want to know. Moreover, we regard it as particularly important for students to seek out other points of view on the issues we raise, and not simply to accept our version. The references at the back of the book provide some sources and suggestions, but there are many other worthwhile readings for students to discover.

Sources of Scholarly Work on Education

Careful and substantial empirical evidence ought to be a vital part of education policy and practice. The research literature on education has been growing rapidly both in Canada and beyond. It is increasingly important for all educators to have an understanding of current findings of research in order both to look for practices that have the promise of better results and to avoid putting effort into the latest fad that may be just as suddenly abandoned a few years later. It is particularly important to avoid giving too much credence to any single study, but to look for well-developed bodies of work in which a number of studies reinforce similar conclusions.

Fortunately, developments in information technology have made access to current research much easier than it used to be. Many research databases can be searched online, and a great deal of original research and research summaries and syntheses are also available electronically. Many university libraries now have online access to the full text of important journals in education, making these publications much more accessible to readers. An increasing number of journals are also publishing online to make reader access easier.

Many research sources are available on sites that are often linked to related sites, and up-to-date information and reports are usually available for reading or downloading. The websites of many

Canadian education organizations also contain links to useful research, as noted in the previous section. Developments in other countries are often available online, which often provide interesting contrasts to Canada.

Much of the statistical information in this book is drawn from Statistics Canada sources. Statistics Canada provides a range of sources, including published reports, offices in many Canadian cities that can be visited in person, and electronic data sources, available in many university libraries, makes census and other data easily accessible—for example, to determine the economic or demographic characteristics of a school district. However, the excellent Statistics Canada website <www.statscan.ca> is the primary vehicle for locating the information from the vast bodies of data that they maintain.

It is also important to keep in mind that as education is increasingly interconnected with other policy fields, research in such areas as economics, child development, community health, and families may have important implications for schooling and teaching. We encourage you to search broadly for material relevant to your interests.

The 6th Edition

The revisions for this 2021 version of *Understanding Canadian Schools: An Introduction to Educational Administration* have been written by Dawn Wallin and Jon Young. However, the work remains the work of the three authors listed on the title page – Dawn Wallin, Jon Young, and Ben Levin.

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CHAPTER ONE: MAKING SENSE OF PUBLIC SCHOOLING

1.1 Prologue

The Staff Room, 8:15 a.m. Linda Chartrand arrived at school as usual. Getting her own children ready for school and to the neighbour's house for preschool care was always a rush, but she needed at least half an hour before the students arrived to review her plans for the day, to make sure that she had everything ready, to converse with colleagues, and to check on which resource people might be in school that day.

As she entered the school office, Pat, the administrative assistant, called to her. "Don't forget that your class will be going to the auditorium at 3:00 p.m. to practice for the school concert. And could you make sure that all the money is in for the book orders? Oh, and Mrs. Koslowski wants to ask if she could send the kids back 10 minutes early from Phys. Ed. so she can make a meeting with the divisional consultant. Is that okay?"

"Sure," Linda replied. As an experienced teacher she knew that there would be last-minute changes in her schedule. She would have to reorganize her teaching to make use of the half hour between 2:30 and 3:00 p.m. As she was pondering how she would do this, the resource teacher, Eric Sigurdson, asked if he could come into her class to work with three of her students on their reading assessments for an extra half hour that morning. "The parents I was going to meet with had to cancel, so I'd like to give your kids the time." Again, Linda agreed to the change.

Linda pulled out of her mailbox an agenda for an upcoming professional development day. At the first staff meeting of the year, the principal had asked the staff to spend the year reviewing the school's mission statement and reaffirming their collective vision and goals for the school in light of the district's goals and priorities. This was to be the focus of the day's meetings.

Linda had been through a comparable process in her previous school and remembered the similar reactions amongst the two staffs. Many teachers wondered about how a mission statement would matter to their work. Some were surprised that the school had a mission statement, because they'd not seen it even after working there for several years. A few wondered why it would take a year to do this. Surely, they argued, a small subcommittee could draft something fairly easily, allowing time for the rest of the staff to focus on some of the pressing issues that needed to be dealt with, like a new conflict-resolution program for the children and the new assessment initiatives on which the grade 6 teachers were working.

But the discussion that had followed had been a good one, and by the end of the meeting, most of the staff had been supportive of the project. The principal had emphasized that she wasn't interested in simply producing a public-relations document full of current jargon. She wanted the staff to talk through their different views of the school's goals and priorities, and to come up with a statement of purpose that the staff as a whole would feel was their own. The statement would relate to daily school

practices as well as set a direction for future initiatives. Some teachers began talking about their dreams for—and frustrations with—the school, and how they thought it had changed over the years. Despite the differences in the concerns and ideas of the teachers, when the meeting had ended, there had been an air of excitement about the project, which had carried over into the ensuing weeks.

Now, as the bell rang for the first class of the day, Linda was still thinking about the process of developing a mission statement that would actually capture what the school was all about. She thought of the mixed group of students she had in her class. Though each child had unique talents, she was always being reminded of how different they were from one another. Their reading levels ranged from grades 2 to 8. The two new children who had just immigrated to Canada were starting to learn English and couldn't yet speak very much to the other kids although she had been trying to engage them socially with the group. The room had been reorganized to ensure Rose's wheelchair could access any place in the room. But Tommy still had occasional severe outbursts of rage that were hard on everyone in the room, although Tommy had made significant progress since the year began. She often asked herself how well she was engaging all students in learning.

Yes, she thought, it was going to be a good exercise to step back a bit from the everyday demands of the classroom and to think through the school's priorities and the balance it could establish among so many demands and expectations. What were the goals of the school?

The purpose of this book is to help readers understand the different ways in which we organize Kindergarten to Grade 12 education in schools under provincial jurisdiction in Canada. This chapter sets the stage by discussing some important underlying aspects of provincial schooling in Canada. We begin with an analysis of contemporary school systems to ask why things are as they are and how they might be different. We then turn to a discussion of the purposes of education and the goals of schools, followed by a discussion of the main features of public schooling and some central tensions and dilemmas that are embodied in the organization of Canadian schooling. Taken together, this chapter provides an important background to the issues raised in later chapters.

1.2 Schooling in a Changing World

Many people may take for granted the organizational aspects of schools, assuming that schools are the way they are for good reasons. But we regard it as very important for everyone involved with education to understand the way in which our schools are organized and operated so that they can ask questions about, and contribute in an informed way to, proposed changes. One approach to developing this understanding is through a description of constitutional, legal, and administrative structures that give direction to administrators, teachers, and students in the daily routines of school life. No one involved in schooling can afford to ignore the power exercised through these structures and processes. As a result, this text gives considerable attention to them and attempts to demonstrate how they affect the daily work of teachers, and how they affect students' experiences in schools.

However, this approach is not sufficient because Canadian schooling has been changing in important ways. Whereas for the most part, schooling in Canada continues to be regarded as a positive social institution that provides many benefits for individuals and for society, significant demographic, political, economic, and cultural shifts have led to growing questions about the purposes of schools and how well they are currently being met. Expectations on teachers, administrators, students and parents shift constantly. Changes in policy and practice are frequently announced by governments and school districts and schools are expected to “make them happen.” A variety of interest groups press for changes of one sort or another. Media accounts ask questions about whether our schools are good enough, too costly, well run, and so on.

These questions and issues are connected to changes in Canadian

society and Canada's place in the world. Central to the concept of globalization is the reality that changes in information and communication technologies, and the associated practices of intergovernmental organizations, nongovernmental organizations and multinational corporations have produced an important shift from an emphasis on national economies to a far more open "global economy" accompanied by "worldwide discourses on human capital, economic development, and multiculturalism" (Spring, 2008, p. 1). Very closely connected to this has been the recent growth of government policies across much of the world, generally referred to as neoliberalism, that support an individualistic rather than a communal vision of society. These policies promote competitive individualism and market competition in all areas of public life, with the role of government substantially reduced. In this new world order of technology, competition, and innovation, education is seen as key to economic prosperity. Indeed, sometimes the only rationale provided for education and schooling is economic success; we are now said to live in a "knowledge society" and compete internationally in a "global knowledge market." Neoliberal policies tend to support reduced government spending, privatization, centralization of authority with an attendant decentralization of process, increasing surveillance in the forms of accountability measures and technology, and standardization of policy and practice.

Neoliberal ideology has been questioned in relation to issues of sustainability, including ecosystem sustainability, political sustainability, economic sustainability and/or cultural sustainability (Evans & Albo, 2018; Polistina, 2018; Rose & Cachelin, 2018). Some authors suggest that neoliberalism has undermined democratic governance and local control for schools (Danley & Rubin, 2020). Canada is experiencing a growth in diversity in many respects, along with attendant drives to accommodate differences in culture, language, religion, sexuality, and social class (Angelini, 2012). Across the world, calls for attention to global sustainability and human

rights force us to face the dangers of unimpeded economic growth at the expense of our planet and humanity.

These developments have had a substantial impact on Canadian society and Canadian education. Changes in the nature of work and the demands of a skilled labour force have produced increased attention to “soft skills” or “power skills” such as information management, problem solving, and teamwork. We are also seeing a much greater focus on micro-credentialing and international comparisons of student achievement, school outcomes and organizational structures (OECD, 2020) (see Box 1.2.1).

Box 1.2.1

PISA and International Assessment

There are several international assessments of student skills and knowledge now, but the most influential has been the Programme for International Student Assessment (PISA) operated by the Organization for Economic Cooperation and Development (the OECD), an organization based in Paris (see oecd.org). PISA is intended to measure the ability of 15-year-olds in key areas of adult life, including reading, mathematics, science, and problem-solving.

The results of PISA have had a very substantial influence in many countries, not just in regard to comparative results but because PISA also tries to look at the policies that shape educational outcomes. For example, PISA results show that countries can combine high levels of achievement with low levels of inequality, and that early streaming of students into different pathways has negative effects.

Canadian students have done very well in PISA; Canada has consistently performed higher than most OECD countries in Literacy, Mathematics and Science. In the PISA 2018 results, girls had statistically higher Literacy scores, statistically lower mathematics scores, and higher (but not statistically significant) scores in Science as compared to boys. Socio-economic status explained 7% of the variance in reading scores, as compared to the average of other OECD countries where 12% of the variance in reading scores could be explained by socio-economic status. Interestingly, however media coverage of PISA results often focuses on deficiencies in Canadian education, and inter-provincial comparisons, rather than our consistent strong performance. This is yet another way that the media can shape perceptions of educational quality and/or the value of public education.

For some, the critical function of schools is to prepare students for adult work. But for others, this is seen as a dangerous and misplaced narrowing of the educative and democratic purposes of schools (Danley & Rubin, 2020). The political drive for reduced government and for market competition in education has led to support for business models of management and operation in public education. It has also led to increased parental choice in the selection of the schools their children attend as well as increased accountability for schools and teachers for the educational outcomes of students.

Educators may well feel overwhelmed by all the pressures they face as a result of social, demographic and economic change. Yet in this climate of change, critical re-examination of school organization is essential, and it is vital that teachers provide leadership in this process. Rather than viewing current practice as somehow natural or obvious, we want to examine why things are the way they are, how they came to be this way, who benefits most from

them, and the possibilities of their being otherwise. It is equally important that proposals for change are carefully examined and critiqued for their future intended or non-intended consequences for children, schools, and communities.

We believe that one must approach school organization from a moral and educational perspective as well as from a technical perspective. In other words, questions of “how to” cannot be separated from questions of “why.” Nor is it possible to detach the discussion of school organization from a broader discussion of the purposes of schooling and its place in Canadian society.

In this text we also try to recognize the real world in which students, teachers, and administrators live and work on a daily basis. The official image is often a pale reflection of the complexity of real classrooms and schools. It is important to pay attention to the uniquely human nature of schools and to human behaviour with all of its idiosyncrasies, its intertwining of personal and professional lives, its dreams and disappointments, its friendships and hostilities, its egos and ambitions. Furthermore, school organization and administration must be seen as concerning not only those people who occupy positions termed as “administrative” (e.g., policymakers, directors, superintendents, and principals), but everyone who is engaged in, and affected by, the educational process, especially students.

1.3 The Meaning of Education

In everyday language, people slip easily from “education” to “schooling” as though the two words were synonymous, with schools being the formal institutions of education. But a thoughtful examination of the organization of schooling in Canada requires thinking about the meaning of education, the purposes of schooling, and the particular significance of public schooling.

Questions of what it means to educate, or to be educated, have been the subject of debate at least since Aristotle (Coulter & Wiens, 2008; Johnson, 2015). In the Western liberal tradition, education is inextricably bound to ideas of self-knowledge or identity, as well as to a notion of empowerment – “becoming more than we are.” Symons (1975) argued that to be educated means “to know ourselves”: who we are, where we are in time and space, where we have been and where we are going, and what our responsibilities are to ourselves and to others. Nor, he suggested, can self-knowledge be separated from an awareness of the social context in which we live our lives, the two kinds of knowledge being not merely interdependent “but ultimately one and the same” (p. 14). Similarly, some Indigenous scholars have suggested that education must be premised upon respect for others, reciprocity in relationships, relevance to people’s real lives and worldviews, and helping students assume responsibility over their lives (Kirkness & Barnhardt, 2001).

For the process of acquiring self-knowledge to be considered educative, people must play an active role in creating their knowledge, in ways that inform actions and provide the skills and dispositions that enable people to grow and to exercise more control over the ways in which they live their lives. This view of education, although simplified in its presentation here, would not be acceptable to everyone. Traditionalists, for example, might argue that it does not give adequate attention to absorbing the central lessons of the past and the best of our collective cultures.

Education is about more than the formal process and structure of schooling. We learn many of the most important things in our lives before we begin our schooling, and over the course of our schooling we continue to learn many things outside of schools as a result of our experiences, our reading, our contact with other people, and our engagement with technology, particularly the Internet. Even institutional education extends well beyond the school system. Programs ranging from early childhood education to courses for senior citizens, and including the vast gamut of adult-education activity in Canada, are also clearly educational in their focus.

At the same time, for many people there is a clear connection between these general ideas of self-knowledge and their expectations of public schools in Canada. We expect schools to be places of learning and development for students. Yet this rhetoric masks the multiple functions that have been assigned to public schools since their establishment as compulsory institutions in Canadian society. The problems and tensions facing schools can be seen by considering their official goals and their actual purposes.

1.4 The Purposes of Schools

Why have formal education at all, and why is school attendance compulsory? We tend to take the purposes of schooling as being relatively self-evident, but they are actually quite problematic. Begley (2010, pp. 33-35) drawing on the work of Christopher Hodgkinson, identifies three broad purposes for public schooling which he refers to as: *the aesthetic* – the formation of character and individual self-fulfilment; *the economic* – preparation for an adult work life; and, *the ideological* – socialization to the norms and conduct of society. These purposes are similar to historian Ken Osborne's (2008) discussion of education, training, and citizenship as three competing expectations or goals for public schooling in Canada. While arguing for a “balanced presence” of each goal, Begley suggests that the emphasis and balance of these goals is always fluid, dynamic and contextual. Osborne, while noting that “public schooling in Canada was designed more as a tool for social policy than as an instrument of universal education” (p. 27) argues for the primacy of the educative purposes such that “school subjects are not things to be covered or memorized, but vehicles by which students might come to see themselves as heirs to a legacy of human striving that connects past, present, and future” (p. 37).

Coming at the question of purpose from a slightly different perspective, Barrow (1981) identifies six functions of schools –critical thinking, socialization, child care, vocational preparation, physical instruction, social-role selection, education of the emotions, and development of creativity. Many schools have adopted 21st Century learning goals with the aim to develop competence in the ability to make sense of information in order to use it critically and creatively in a frequently changing global world. To that end, the 21st Century goals of schooling include such competencies as collaboration and teamwork, creativity and inquiry, social responsibility, healthy living, global and cultural

understanding, technological literacy, innovation, and critical thinking and problem-solving (Boyer & Crippen, 2014). There are also those who suggest that public schools need to also consider the spiritual aspects of students' beings, whether that is religiously, culturally, or individually defined (Shields et al., 2005). This is exemplified in many Indigenous education frameworks whereby it is advocated that the goals of schooling include a holistic balance in the development of mental, physical, emotional, and spiritual wellness (Battiste, 2010; McManes, 2020)

The Council of Ministers of Education, Canada (CMEC) have endorsed what they consider to be pan-Canadian global competencies, which are quite similar to what has been advocated in 21st Century learning goals: critical thinking and problem-solving; innovation, creativity and entrepreneurship; learning to learn/self-awareness and self-direction; collaboration; communication, and global citizenship and sustainability. There has been agreement at CMEC that these competencies are embedded in many curricula, programs, and education initiatives across Canada.

It is not surprising, therefore, that these competencies can be found within the long-term and short-term plans of individual ministries, that in turn aligns with much of the planning of school districts. These plans can be found on ministry of education websites as they are seen as a means of holding provincial governments accountable for education in each province. Strategic planning has been significantly influenced by neoliberal ideology and notions of accountability that have become embedded in the language of plans. These plans typically include a focus on defining a vision (often implies the intended purpose), sets of priorities (similar to goal statements), target-setting, strategies for achieving the targets, measurements that can demonstrate achievement of goals, and timelines for completion. To that end, there is a sense of accountability built into the very design of plans, usually relying on quantitative measures for what constitutes achievement. Whether or not those measures tell the full story about student learning is often in debate, particularly from groups who suggest that

measures tend to be normatively biased and cannot account for factors outside the school environment that affect learning and/or achievement.

The design of provincial and/or district plans typically look quite polished, but difficulties exist in how to enact them in unique local schools. There are several important questions to ask about any statement of educational goals:

- Are the goals mutually compatible?
- Are the goals achievable?
- Do the goals have a commonly shared meaning?
- Do the goals affect what schools do on a day-to-day basis?

Before discussing these questions more fully, consider the planning framework for Saskatchewan that can be found in Figure 1.4.1 Goals are articulated in the centre of the framework which are described more fully in the complete plan.

Figure 1.4.1

Provincial Education Plan Framework



Compatibility

There is no guarantee that all the goals on any list can be achieved at the same time. It may be that achieving one purpose will necessarily be at the expense of another. There is only so much time, energy, and resources. If one of our goals is to make students physically fit, the time spent on fitness cannot also be spent on reading, yet goal statements rarely suggest any order of priority among their multiple objectives.

Most school system goals are very ambitious, and it is reasonably clear that accomplishing all goals all at a high level would take more time and energy than is currently available. Thus, a school system is always faced with the problem of having to decide *which* goals should get *how much* emphasis. For instance, does it place its energy into improving mathematics, expanding multicultural awareness, improving students' commitment to healthy living, or emphasizing critical thinking? Is it possible to accomplish them all?

More fundamentally, purposes and goals may be logically inconsistent with one another, such that pursuing goal *x* means, by definition, not pursuing goal *y*. For example, one common goal of schools is to teach students to think critically and to make their own decisions, while another common goal is to teach students to appreciate some of the basic values of our society, such as patriotism or respect for others. But what if a student, after thinking about it, decides that s/he does not want to be patriotic or to respect others? Are educators prepared to say that, because students have formed independent opinions, they are free to disregard social conventions? Probably not. One of the basic tensions in schooling is between our desire to help individuals learn to think for themselves and our desire to have those individuals develop basic attitudes and values of respect and responsibility so as not to fall into social chaos. It is not possible to maximize both of these goals at the same time; the same logic applies to numerous other mutually conflicting school goals. It is important to know how

decisions are made as to which goals will be prioritized, and to question whose interests those decisions serve.

Achievability

It is one thing to write down a goal, and quite another to be able to accomplish it. It is doubtful that schools can achieve all the goals set for them, even if there is agreement on what those goals are. Knowledge about how people learn and about how to teach them is, and always will be, limited. There are many things schools would like to do, but we don't always know how to support learning for each and every student. As an example, consider the very basic skill of learning to read. Some children learn to read almost effortlessly, while others learn only with considerable difficulty and still others do not learn to read well at all. Learning differences exist not because teachers or students aren't trying, but because, although we know much about the reading process, we can never fully know which strategies will optimize the learning of particular children, and we are therefore often only partially successful in teaching them.

If teaching students to read presents difficulties, it is even harder to teach values, such as an appreciation of the worth of all individuals or love of learning. It is equally important that we consider carefully which (or whose) values are being taught, and if, unintentionally or not, those values perpetuate inequities for students. Of course, just because educators aren't sure how to accomplish something does not mean they should stop trying. It is important to set our sights high and to expect a great deal from ourselves. But setting many goals we do not know how to achieve is likely to create considerable frustration.

Shared Meaning

A statement of goals is an attempt to generate agreement among many people as to what schools should do. In education, it is common for school members to come together to create a “shared vision,” which also requires agreement on aims and purposes. But, as we have already noted, there may be quite a bit of disagreement among and between parents, students, teachers, and others as to what the schools should do. Some students, for example, especially in secondary schools, place high value on preparing for jobs. Some teachers may place more emphasis on goals such as developing positive personal habits and attributes while others might emphasize post-secondary educational opportunities. Some parents want a great deal of emphasis placed on reading and writing skills, while others want more emphasis on the arts or sciences. Some parents want their children to be exposed to many different ideas, while others want schools to reinforce the values of the home.

Such different priorities have significant implications for the way schools and teaching are organized. To place more emphasis on preparing for jobs, for example, schools could increase the amount of vocational and technological education, or provide work-experience opportunities for students. On the other hand, placing more emphasis on academic skills might involve cutting back in the above areas and allocating more time and resources to literacy and numeracy initiatives. A desire to offer a liberal arts education may necessitate investing in arts programs while reducing budgets in other areas to accommodate. Different goals lead to different kinds of activities and the need to shift resources accordingly.

One way that schools try to cope with the differences in people's desired goals is to smooth them over with language. Thus, a statement of goals can be worded in such a way as to generate agreement, even if people would not agree on what the statements mean in practice. As long as the discussion stays at the level of words, the disagreement can be hidden. Often this approach works

reasonably well in allowing people to move ahead with their work instead of spending endless time debating purposes, but it can also lead to the perpetuation of unfair and ineffective practices with increased ambiguity on how to actually organize people, time and resources.

Impact on Practice

It is one thing to espouse a goal and quite another to be able to put that goal into practice. The gap between goals and practices exists because it is difficult to align our behaviour with our ideals. It is much easier to align one's self with an ideal than it is to put it into practice when it competes with other ideals, some of which appear to contradict each other. Given that schools are in the “people business,” and that at the heart of the educational enterprise are people's dreams for their children or the youth of the nation, it is not surprising that discrepancies develop between thought and action in school organizations.

An important aspect of this discrepancy is the acknowledgment that while school systems may talk about success for *all* students, the historical record is that schools have not met this goal. Throughout Canada's history, some students, whether those who live in poverty, recent immigrants, Indigenous people, people of colour, people in isolated communities or others, have often had less access to high quality schooling and less opportunity to fulfil their potential.

These issues are increasingly evident in Canadian education and are a concern for schools and districts (Glaze et al., 2012). The excerpts from the Toronto District School Board policy statement on equity (see Box 1.4.1) offer an example of how a school district recognizes the significance of systemic biases within Canadian society and Canadian schools and tries to ensure equity of

opportunity and equity of access to its educational programs, services, and resources.

Box 1.4.1

Toronto District School Board Policy Statement on Equity

Each and every student is capable of success. Our focus is ensuring that all students can succeed by having access – the same access – to opportunities, learning, resources and tools; with the goal of improving the outcomes of the most marginalized students. That's equity.

To do this, the TDSB has made a bold commitment to equity, human rights, anti-racism and anti-oppression. This sets the foundation to support those who have been traditionally and currently underserved, and will raise the bar for all students.

Enhancing Equity at TDSB

- **Professional Learning**
- **Transforming Student Learning**
- **Creating a Culture of Student and Staff Well-Being**
- **Providing Equity of Access to Learning Opportunities for All Students**
- **Allocating Human and Financial Resources Strategically to Support Student Needs**
- **Building Strong Relationships and Partnerships within School Communities to Support Student Learning and Well-Being**

Source. Toronto District School Board. *Equity*. Available at <https://www.tdsb.on.ca/About-Us/Equity>

The fact that goals are hard to define and difficult to achieve should not be taken to mean that the effort to do so is fruitless. Important decisions about education are made every day by students, teachers, administrators, school trustees, and others. These decisions need to be based on some sense of direction and purpose, despite all the difficulties in doing so. The goals may evolve, and they may never be fully achieved, but they remain a beacon in our day-to-day efforts.

1.5 Tensions and Dilemmas in Canadian Public Schooling

One way to think of public schools is in terms of a series of characterizing attributes or elements. For example:

1. *Public accessibility.* All persons of school age should have a right to free access to schooling.
2. *Equal opportunity.* All children should receive equal opportunity to benefit from schooling, regardless of factors such as their culture, gender, sexual identity, ability, and so on.
3. *Public funding.* The costs of schooling should be borne by government so that the quality of schooling received by a student is not related to the ability of the student or their parents to pay for that schooling.
4. *Public control.* Decisions about the nature of public schools are made through public political processes, by persons who are elected at large to carry out this responsibility.
5. *Public accountability.* Public schools act in the interests of the public and are answerable to the public for what is taught and for the quality of the experiences provided to students.

Most people would probably agree with these characteristics in principle, but what they might mean in practice is much less evident. In the current Canadian climate, for example, many would argue that equal opportunity has been questioned significantly by Indigenous communities, people of colour and members of the Lesbian, Gay, Bi-Sexual, Transgender, Queer, Inter-sex, Ally, Two-Spirit (LGBTQIA2S+) communities (Callaghan, 2018; Carr-Stewart, 2019; Herbstrith & Busse, 2020; Maynard, 2017; Taylor et al., 2016). Public funding has been considerably reduced nationally in comparison to rising costs, and public control in terms of power and authority of school boards has been significantly eroded. As

Canadians have struggled with them in specific situations, a number of ongoing tensions or dilemmas have arisen—areas where trying to recognize one reality leads us away from another that may be equally important. Much of the history of Canadian education can be seen as an effort to find an appropriate but always temporary balance between these competing objectives. Five tensions are particularly important: uniformity and diversity, stability and change, individuality and collectivity, centralization and decentralization, power and equality.

Uniformity and Diversity

The first tension is between the desire to have a common education system for all, and the recognition that students and communities are quite different from one another and may therefore have different educational needs.

In many ways, despite the variety of school systems, present-day schools in Canada are remarkably similar to one another in their internal appearance: classrooms full of desks or tables, generally empty hallways, resource/technology centres, multi-purpose rooms, gyms, administrative offices, and almost always groups of students of about the same age who are engaged in some activity that is directed and supervised by a single adult.

Students everywhere in Canada study quite similar material, which is divided into subjects. They have to learn certain material on which they are tested, and their progress through the system depends largely on how well they do on various assessment measures. Children are judged individually and do the vast bulk of their work as individuals. Though curricular and pedagogical developments advocate for more student engagement in their own learning and assessment, students usually still have very little say in shaping the nature of their education. Innovations like inquiry learning, land-based learning and inter-disciplinary opportunities

continually surface, but classrooms still tend to be teacher centered. The school day is about the same length and covers about the same hours of the day almost everywhere.

While these similarities are quite consistent, even to the point of crossing national boundaries, schools are found in diverse settings. Consider the differences in setting, students' background, and community influences between a school in a very small community in the high Arctic and one in the suburbs of a large city. In the former, people know each other well and are isolated in many ways from other places and people, though teachers may come and go frequently. In the latter, there is much more anonymity, access to services and more diversity in learning/extracurricular options.

It is clear that the conditions of learning and the job of teaching can vary greatly across settings, even though the schools themselves may be structured in quite similar ways. There can be no single right way to organize schools and schooling. Different students and communities may well require different educational approaches. There will be substantial disagreement about how best to organize and conduct schooling to meet these needs. It is also possible to conceive of ways of conducting schooling that are quite different from those in common use. Yet there is surprisingly little debate about many basic aspects of schooling that are shared by all kinds of schools and communities.

Stability and Change

The second tension concerns the degree to which schools should change to meet changing needs or should remain constant to a set of educational ideals and practices. Most of us tend to think of schools as having always been the way they are now. There is much in schools today that is easily recognizable to the student of 50 years ago. But in other respects, schools have changed in significant ways as the society around them has changed. Until the

last century, schools were primarily private or church affiliated, and they charged fees that many could not afford. In the mid-nineteenth century a number of countries began to introduce free and universal public education. Historians have different views about why this occurred. Some see the development of schooling as part of societal progress. Others believe that mass schooling was developed in order to ensure that the new factories and industries had an adequate supply of workers who were both skilled and trained in habits of obedience to authority. Residential schools in Canada were formed with the intent of the “aggressive assimilation” of First Nations people to deal with the “Indian problem” in the interests of land and settlement.

Not that long ago, in many areas, the church remained a key provider of education. That shifted with the development of the British North America Act that granted provinces control over public education and the federal government has sole jurisdiction over “Indians and lands reserved for Indians”, which by extension, includes schools on reserve. Most communities in the developing provinces were rural, and each rural community had its own school. As new communities developed, people formed a school board, built a school building (often with their own hands), hired a teacher (who typically taught eight or more grades in a single room), and operated the school. Control was very much in the hands of the local parents, or more particularly the fathers, since most school trustees were men. Teachers, usually unmarried women, were not well trained and were very poorly paid.

Gradually, these conditions have changed in the provincial school system. Power has shifted away from local parents and communities. Small school districts have largely disappeared in Canada, usually as a result of government legislation, and have been replaced by much larger school districts, which are generally run by professional administrators. Manitoba, for example, had more than 2000 school districts in the early 1950s but currently has less than 40. Some provinces no longer have school boards, whereas in others, school boards are responsible for running large and complex

organizations that may have thousands of teachers, as well as huge budgets. As of 2021, however, boards in almost all provinces have lost the ability to increase their revenues through local education property taxes. The largest school districts now have more than 100,000 students while others cover many thousands of square kilometres with less than 3000. In this kind of setting, each school trustee may represent thousands of people. Schools are also larger. Thus, schools have changed from being small and local to being large and bureaucratic in their organization, though they may still be administered largely by males, still be staffed predominantly by women, and still give almost no meaningful role in governance to students.

Another important change is that more people are getting more formal education than ever before. At one time, grade 8 was the common finishing point for many people and the mark of someone with a reasonable level of education. Now those with less than grade 9 may be classified as being functionally illiterate (although one might well question the accuracy of such a standard), and high school graduation no longer guarantees a comfortable lifestyle. Formal education and its credentials have become much more important elements in the organization of society.

Finally, the development of the Internet and digital technology has had a tremendous impact on schooling. Easy access to and storage of information, alternative modes of delivery, and development of social networking continue to transform our ways of working and learning. Most of these changes, significant as they were, are now taken for granted. We seldom ask ourselves whether they have produced the desired results, or whether they imply that we ought to change the way we conduct formal education. Somehow, the way we have organized schooling continues to persist amidst changing social conditions and technological advances.

Individuality and Collectivity

Schools across Canada have always faced difficulties with trying to individualize their work while fostering the collective interests of all those who are served by the education system. Perhaps the example that most effectively illustrates this concept is the drive to individualize instruction. Teachers struggle daily with trying to meet the needs of the individuals in their classrooms, yet they also know that they are responsible for the collective interests of the group. In their attempts to find a balance, it is sometimes suggested that many “teach to the middle,” thereby underserving the needs of students who are struggling to learn and those who are not challenged enough. In school discipline cases, administrators often struggle with creating equitable consequences for individual students while others demand that policies must be applied with “consistency.” During the twentieth century, schools were built along factory models to house a larger collective of students and professionals and to provide more opportunities for programs and supports. However, people can get “lost in the system” as decisions are made in the interests of the majority rather than the particular needs of individuals or under-served groups. Educators can serve most people well most of the time; but it is hard to serve all of the people well all of the time.

Centralization and Decentralization

Canadian school systems have struggled with the right balance between centralization and decentralization. The move towards consolidation and larger school systems has always been argued on the basis of increased efficiency and economies of scale. The extent to which this has actually improved the quality of schools or learning, however, has not been established definitively. Perhaps in

response to some of this mass consolidation, the effective schools' movement of the 1980's advocated for "site-based management" which in effect was an attempt to decentralize some of authority from centralized systems. As a consequence, schools became organized in large centralized systems, but individual schools were sometimes administered almost as "islands" unto themselves, which could have beneficial or deleterious effects depending on the issues in question. The move to school councils and local school governance in the 1990's and 2000's was also an attempt to provide more local decision-making (Chan et al., 2007; Lessard & Brassard, 2009). Today, calls for accountability and market-driven systems have strengthened a move to what is described as "centralized decentralization" within school organization (Blackmore, 2000). Increasingly, decision-making has become concentrated at the centre, while the processes of implementation are decentralized at the local level. Though this may seem like a good balance of power, Wallin et al. (2009) found that such ways of organizing may put tremendous pressures on school principals who find themselves caught between school district and/or provincial directives and local community values and priorities. Though some balance between centralization and decentralization is necessary, the difficulty lies in finding the right mix to foster both system efficiency and responsiveness to local context.

Power and Equality

Schools, like all organizations, are shaped by power relations. Some people have more influence over what happens than do others. Final authority over most aspects of schooling rests with elected officials in the provincial government or the local school board. Within any given school, administrators typically have the most official power. Principals can give instructions to teachers, students, and (sometimes) parents. Teachers have considerable power over

students, but not very much over administrators. And students have almost no official power, although they can exercise quite a bit of informal influence when they want to. Where power exists, so does the potential for unfairness and abuse. It is important to ask at all times whether power is being used in the right way and to guard vigilantly against its abuse, no matter who the perpetrators or victims might be.

Much of the history of schooling in Canada has been marked by struggles over power and control from which enduring questions have emerged. How much authority would be held by laypeople (parents and community members) and how much by professionals (teachers, principals, and superintendents)? How much authority would rest at the local level in a community, and how much would rest with provincial governments? An important distinction can be made between *representative democracy* and *participative democracy*. The former implies that legitimacy is conferred on a central authority, such as Parliament, by the population and then held accountable to the population through the electoral process. The latter implies that the central requirement is that;

we develop institutions that attempt to make decisions by argumentative discourse as much as is practical and that invoke claims of sovereignty as rarely as possible. The principal aims are three: (a) to assert the merits of the better argument against power; (b) to assert the merits of equality and reciprocity against bureaucratic hierarchy; and (c) to assert the merits of autonomy and solidarity against domination and coercion. (Strike, 1993, p. 266)

Schools also are marked by inequality. Some schools are better staffed and equipped than others. Some teachers get better teaching assignments or more resources for their courses. Some students have more access to technology, optional programs, or extra-curricular activities. Some students get better marks, enjoy school more, and are more often granted school privileges than other students. Again, where there is inequality, there is the

potential for abuse. We are not suggesting that everyone should be treated precisely the same at all times; equal treatment is not always the same thing as equitable treatment. Rather, it is important to ask whether the kinds of inequality that exist in schools are justifiable. Is it right (and, if so, why) that some students have more privileges, or can access differential levels of programs and/or supports than others? Such questions are important in analyzing the way in which schools are organized and how that organization affects those who come into their orbit.

Inequalities in schooling are not accidental. One job that schools have been expected to perform is allocating social roles, determining who will go to work for low wages and who will receive professional training. How is it possible to reconcile this purpose with the desire to have every student develop all the skills and competencies we would like them to have? Indeed, some believe that failure is part of the mission of schooling:

Imagine what would happen if . . . the goals that educators and reformers officially seek were actually accomplished. All students would become top performers. All of them would make . . . perfect A records throughout their schooling. Chaos would ensue. Colleges would not have room for all, but would have little ground on which to accept some and reject others. Employers looking for secretaries, retail salespersons, waiters, bus drivers, and factory workers would have jobs unfilled as every student considered such work beneath his or her accomplishment.

As long as education is used to rank young people and sort them into occupational futures that differ substantially in the money, status, power, and intrinsic rewards they can yield, good education, or students' success at education, must remain a scarce commodity. (Metz, 1990, p. 85)

The fact is that schooling in Canada and in other countries does produce unequal results. Some people do well, go on to higher education, earn higher incomes, and attain greater access to

societal rewards, whereas others do not fit in with the school, fail or drop out, or end up in low-paying jobs. Worse still, societal rewards are not distributed only on the basis of talent and meritocracy, though we like to believe that myth. The nature of families, and particularly income levels and occupations, have a great deal of influence on how much education students receive, what kind of job they will have, and how much money they may earn. For example, university students in Canada (and in other countries) are much more likely to come from families with higher education and income levels than are community college students or those who leave school without any postsecondary experience.

This tension between the allocative and educative functions of schooling is another example of the point made earlier in this chapter about the problems schools face in attempting to develop creative, critical individuals while passing down the basic values of the culture. The conflict between these purposes is of enormous importance in understanding what schools do and how they are organized.

1.6 The Moral Nature of Schools and Teaching

A final complication in the discussion of the goals and purposes of schooling has to do with its moral nature. Schooling is not simply a matter of teaching prescribed sets of knowledge and skills to students, although this is how it is often described. Rather, schooling is essentially concerned with introducing young people (and, increasingly, adults) to the nature of the world as we understand it, and equipping them to live and engage actively in that world—what we earlier called the development of self-knowledge. In this process, moral and ethical considerations are of fundamental importance, and students learn as much from *how* they are taught and treated in schools as they do from *what* they are taught. It is important for educators to consider which moral codes are affirmed within the school and whether others have been minimized and/or excluded as a consequence. As we have seen in media coverage, in the findings of the Truth and Reconciliation Commission, and in the research on youth suicide and bullying, the experience of many students in schools has been one of exclusion and marginalization. It is important that we continually critique the moral codes that play out in our everyday actions so that we do not perpetuate the inequities that have been enacted as systemic racism, sexism, etc. Every day, teachers and school administrators are acting as moral examples to students and one another, and are creating a community that embodies particular concepts of ethical behaviour. If some students are treated as unimportant, as people whose ideas and feelings are of no consequence, then they are more likely to see the world as one in which some people matter while others do not. If teachers embody respect for all students, for one another, for their subjects, and for the development of knowledge, then students

are more likely to develop and value these qualities. According to Robert Starratt (2005), teachers:

illuminate that moral character of learning through an exposition of those moral virtues embedded in the very activity of authentic, integral learning. These virtues...are not a kind of value-added, icing-on-the-cake supplement to the more basic intellectual character of learning. On the contrary, they are essential for the very intellectual quality of learning; without them what passes for learning in schools is superficial, vacuous, artificial, make-believe, frivolous, and possibly dishonest.... school leaders and all teachers need to evaluate what they do in the light of the moral character of learning... (p. 13)

There are obviously important technical skills to be learned about teaching. Teacher candidates are understandably anxious about their ability to manage classes, maintain order, and create reasonable learning experiences for students. But these skills are not meaningful unless they are tied to an ethical and moral view of teaching. When individuals think back to the teachers they had, they often see that the example set by good teachers had more impact on them, and is more vivid in their memory, than the subject matter taught.

Moral issues are not only embedded in the fabric of teaching, they are also integral to school organization and administration. Such matters as the division of schools into classes, grades, and ability levels, the assignment of work to students, or the awarding of marks and credits also have important moral dimensions.

1.7 Conclusion

The inconsistencies and tensions discussed in this chapter raise important questions. How do we work in an institution whose goals are uncertain, sometimes in conflict with one another, and perhaps unachievable? How do we decide what is worth our time and effort? Even more significantly, the idea that schools might actually *require* some students to fail—that this is a built-in part of what schools do—is a difficult one for many teachers who see their job as helping students to succeed. The shock value of the quotation from Metz (1990) lies in making us ask ourselves whether this quest for educational quality and equality can ever be totally successful, and whether the institutions we have created are in fact designed to ensure inequities are perpetuated.

Some teachers probably don't think about these issues very much. They just go on doing their daily work, help students as much as they can, and try to avoid the contradictions in the system. Other teachers come to the conclusion that they cannot do the things they value in schools as presently constituted, and they leave teaching. Some combine their teaching with active involvement in larger educational and social issues, whether through their professional association or through other kinds of volunteer work and public service. Others make up their minds to live with the frustration and inconsistencies because they continue to believe that their work is important, and that they can make a difference, even if only in their own classroom. In taking this position, teachers are embodying a concept of schools as institutions that are based fundamentally on moral considerations. A vision of the good school is intimately connected with a vision of the good society and the good life.

Exercises

1. Conduct a class discussion of the main changes in society that have an impact on the schools. Put together as broad a list as you can, but don't forget to look at some of the changes that have had positive impacts.
2. Find a goal statement from your province or a local school district. Compare it with the statement in Box 1.4.1. Does it embody the same sorts of problems noted in this chapter? Why or why not?
3. Reread the goals statement in Box 1.4.1 while thinking back to your own experience as a student. Which of these goals would you say were regarded as important in your school? Which were de-emphasized, ignored, or even contradicted?
4. Interview three or four people involved with schools either as students, teachers, or parents. Ask them what they see as being the most important purposes of schools. Compare their answers. How much agreement is there? What disagreements occur? Why?
5. How are schools in your community accountable to the public? Talk to people in the schools about this issue and compare your perception with theirs.
6. Conduct an informal survey of people in your community as to the relative power held by teachers, principals, school trustees, and parents on such matters as the curriculum, teaching methods, or school rules. Analyse and try to explain the

agreements or disagreements among your respondents.

7. Do a survey of your university class to assess the occupations of your classmates' parents. Compare their distribution with Canadian census data. Is your class broadly representative of the Canadian population? What are the differences?
8. Consider the diversity of lived experiences and positionality of students in today's classrooms. Conduct some research on the experience with schooling of different groups in relation to relationships with others, academics, extra-curricular activities and engagement in schools? What can teachers do to be more inclusive in their classrooms?
9. Discuss with a colleague the ways in which you have experienced power issues in schools. What was the nature of the power(s) at play, how did you know that the issue was about power, and what was the culmination of it? At what times (or under what circumstances) is the use of power debilitating or facilitative?
10. Write a brief description of a teacher you remember as being particularly awesome. What made them a good teacher? Are these qualities that any teacher could develop? Why or why not?

CHAPTER TWO: THE STRUCTURE OF CANADIAN SCHOOLING

2.1 Prologue

Trustee Norman Wright sat reviewing the materials sent by the superintendent in preparation for the evening's special meeting of the school board called to discuss the establishment of an Indigenous high school in the division. It was nearly two years since the first formal approach had been made to establish such a school. Since then, discussions among trustees, senior administration, and the board's Indigenous advisory committee seemed to have progressed slowly, always surrounded by controversy. Now, as a new school year was about to begin, the school was going to open its doors – the building was ready, the principal and her staff had been hired, and approximately 100 students had registered at the school.

Yet much remained to be done if the school was to flourish, and there seemed to be little agreement among the different parties on several of the outstanding issues. One goal of tonight's meeting was to try to hammer out an agreement on the governance structure for the school that would define explicitly the powers and responsibilities of the school board, the Indigenous community, the school principal, and the parents in setting policy directions for the school and for its day-to-day operation. Far from being a technical detail, this question seemed to go to the heart of the purpose of the school.

In the initial proposal prepared for the school board, the Indigenous advisory committee had documented the lack of success experienced in the district's schools by many

Indigenous students (both the children of Indigenous families living in the city and students from First Nations communities across the province who came to the city to attend high school). A school controlled by the Indigenous community, embodying Indigenous values in all aspects of school life, and drawing on community members for instruction related to cultural practices was seen as one vital element in reversing this pattern of failure. On the principle of control, the proposal was explicit: equal partnership was to occur between the school division and the Indigenous community in all aspects of running the school.

In the months since the submission of the original proposal, the advisory committee had devoted a lot of time to the development of a joint management model that would balance the school district's legal responsibility for education and the Indigenous community's desire to have direct input into the education of its children. The model to be voted on at this evening's meeting called for a contract to be drawn up between the school district and a legally constituted Indigenous community society, open to all Indigenous people over 16 years and living in the province, which would delegate authority over the school to a joint management committee consisting of the school's principal, a teacher, one non-teaching member of the school's staff, two students, and two community-group members.

When this proposal was first presented to the school board, the reaction was mixed. Some trustees questioned the merits of a school that they saw as segregated along racial lines and therefore running against their commitment to a public school system based on the ideal of

a common school for all. Some argued that as duly elected trustees, they represented the legitimate vehicle for expressing parental and community interests, and that other creations were not only unnecessary but would subvert that legitimate authority. Furthermore, they questioned whether the Indigenous community group would in fact represent the interests of the entire Indigenous community, including the Métis population and multiple linguistic groups. Probably the majority, Norman estimated, were generally supportive of the proposal, yet there were concerns even among the supporters as to whether the proposed delegation of authority could be legally made by the board without contravening their responsibilities as laid out in provincial legislation. After some lengthy discussion, the proposal had been referred to the superintendent for evaluation.

Now, as Norman read over the superintendent's evaluation, he let out an audible groan. It was the district's legal opinion that the school board could not delegate such sweeping powers over the running of one of its schools to the sort of management committee suggested in the proposal. The responsibilities of any school board were clearly laid out in the province's *Public Schools Act*, and while the legislation did allow school boards to delegate their powers in certain circumstances, these circumstances were clearly specified and related to the delegation of authority to an existing legal entity operating a school facility, such as a neighbouring school district offering special programs. Furthermore, making the school principal accountable to such a management committee would appear to contradict the regulations under the province's *Educational Administration Act*, which stated that "the

principal is in charge of the school in respect to all matters of organization, management, discipline and instruction.”

Norman wondered about a system that established public accountability through the trustee system and then so bureaucratized the operation of the system that trustees were often left dependent on the advice and instructions of the professional administration. He had spent his whole career as a teacher, senior administrator, and university professor, and he still found himself in this dependent position – and he didn’t like it! Nevertheless, as he ploughed on through the documentation and struggled to plan for the meeting, he maintained a deep-seated conviction that it mattered, that these painful debates over governance and administration were central to the kind of school that was being created, and to the quality of the lives of the children who would go there.

This chapter presents an outline of some of the main structural forms that characterize Canada’s provincial school systems and examines some of the ways in which they were developed and continue to evolve, as well as the purposes and interests they serve. No attempt is made to provide either a comprehensive survey of each of the different school systems across the country or a chronological history of their development. Instead, the chapter highlights a number of issues related to the organization of public schooling and places them within a particular social and historical context.

A central concern in performing this task is to explore issues of power and authority in Canadian schooling – who is allowed to participate in educational decision-making processes and whose

experiences have been legitimized within the school system. Throughout the chapter, attention will be given to:

1. contradictory pressures for centralized authority and local control in education;
2. the ongoing debate between advocates of professional versus public authority across a range of educational decision-making situations;
3. the conflicting expectations that public schools should provide common experiences for all students while accommodating diversity; and, as a part of this,
4. the place of religious, linguistic and cultural interests in a public education system.

Wrapped up in these interconnected tensions are unavoidable questions of purpose, quality, and costs that relate to the goals of education – as well as issues of bias and equality of educational opportunity, national unity, religion, and linguistic diversity – and the role of technical and professional expertise in the improvement of schooling. Such issues have long been the subject of much controversy across Canada and lie close to the heart of the democratic traditions of public education (Coulter & Wiens, 2008; Manzer, 2010; Portelli & Konecny, 2013). These matters have very pragmatic implications for teachers' careers. More profoundly, they inform a teacher's evolving professional identity. Being an effective teacher means understanding the nature of the networks that make up one's professional context, and the values and interests they represent, so that one can make critical choices about how to work within that context.

2.2 An Overview of Canada's School System: Who Goes Where?

Since the introduction of the compulsory attendance legislation in Quebec in 1943, young people have been required to go to school everywhere in Canada (although across the country there are different legislative provisions relating to compulsory school ages, definitions of what constitutes a school, and grounds on which one might be exempted from attending). As a consequence, provision has to be made annually in Canada for the schooling, in one form or another, of some 5 million young people.

The predominant vehicle that has been developed for this task is a publicly funded, provincially controlled school system. It is this system, prescribed in the *British North America Act*, 1867 and detailed in the various Education or Public School Acts and regulations of the provinces, that houses some 91 percent of the country's student population (see Table 2.1). The remaining student population is to be found in private/independent schools (which are also a part of the provincial design of education inasmuch as they are regulated by provincial legislation) and in federal/First Nations-controlled schools.

The constitutional basis for this current arrangement is to be found primarily in Section 93 of the *British North America Act* (re-enacted and re-titled the *Constitution Act*, 1867 by the *Constitution Act*, 1982).

Table 2.2.1

Elementary and Secondary School Enrolments by School Control and Province, 2016–2017

Province	Public Schools (% of total)	Private Schools (% of total)	Home Schooling (% of total)	Federal/ First Nations Schools** (% of total)	Total Enrolment
Newfoundland	66,183	1,005	138	–	–
Prince Edward Island	20,007	276	189	–	–
Nova Scotia	118,566	3,603	948	–	–
New Brunswick	97,842	1,134	759	–	–
ATLANTIC CANADA	302,598 (96.9%)	6,018 (1.9%)	2,034 (0.7%)	1,661 (0.5%)	312,311 (100%)
Quebec	1,210,698 (89.8%)	128,043 (9.5%)	2,565 (0.2%)	6,230 (0.5%)	1,347,536 (100%)
Ontario	2,006,703 (92.6%)	138,324 (6.4%)	8,754 (0.4%)	12,884 (0.6%)	2,166,665 (100%)
Manitoba	183,015 (85.0%)	13,815 (6.4%)	3,393 (1.6%)	15,143 (7.0%)	215,366 (100%)
Saskatchewan	180,696 (88.8%)	4,575 (2.3%)	2,379 (1.2%)	15,834 (7.7%)	203,484 (100%)

Alberta	652,272 (92.9%)	27,534 (3.9%)	12,729 (1.8%)	9,752 (1.4%)	702,287 (100%)
British Columbia	557,625 (86.0%)	83,469 (12.9%)	2,316 (0.4%)	4,639 (0.7%)	648,049 (100%)
Yukon	5,343 (97.2)	–	153 (2.8%)	–	5,496 (100%)
Northwest Territories	8,337 (99.0%)	–	84 (1.0%)	–	8,421 (100%)
Nunavut	10,041 (100%)	–	–	–	10,041 (100%)
CANADA	5,117,328 (91.1%)	401,778 (7.1%)	34,407 (0.6%)	66,143 (1.2%)	5,619,656 (100%)

** Does not include students under self-government agreements.

Source. Adapted from Statistics Canada. <https://www150.statcan.gc.ca/n1/daily-quotidien/181102/dq181102c-eng.htm> and Indigenous Services Canada. Kindergarten to Grade 12 operating expenditures 2016–2017 overview. ISC. <https://www.sac-isc.gc.ca/eng/1349140116208/1531315346681>

The limitations of provincial authority as they relate to separate and dissentient schools (discussed later in this chapter) provide an

important element in the structure of Canadian public schooling; these limitations, it should be noted, serve to shape the various provincial systems rather than create an alternative to provincial control of education.

Bedard and Lawton (2000) define governance as “supervising and being responsible for programs and activities that are carried out in the public interest” (p. 257). Embedded in this are two distinct functions: (i) a political/regulative role of policy making, and (ii) a professional/bureaucratic service delivery role. While it is the political dimension that is the vehicle for public participation and what makes public schooling “public”, it is the professional dimension that ensures high quality service delivery. All Canadian provinces have created a shared governance system for public schooling built around three levels of activity: the central, constitutional authority of the provinces; some form of delegated, local education authority traditionally called school boards; and, individual schools that are likely to have associated with them some form of school parent/community council. Each of these bodies has a unique role to play in relation to both education policy-making and service provision. These roles have changed over time and continue to change, reflecting enduring debates over different models of centralized or decentralized educational decision-making and different models of public/political or professional/bureaucratic jurisdiction. Consistent throughout these changes, however, is the constitutional principle that final authority over most areas of educational decision-making in Canada resides in the political realm at the provincial legislatures.

2.3 The Development of Provincial Control Over Schooling

The development across Canada of a system of school administration in which legislative and regulative power is concentrated within a centralized provincial bureaucracy – responsible to a minister of education working in Cabinet and answerable through the provincial legislature to the electorate – has many of its roots in the well-documented political struggles of Upper Canada/Canada West in the first half of the nineteenth century, and in the work of Egerton Ryerson, Superintendent of Schools in Canada West/Ontario from 1846 until 1876. During this period, heated debates over the organization of elementary education were at the heart of a broader discussion concerning the role of the state in Canadian society. Attention to this historical context is important not only for an appreciation of how contemporary arrangements came into being, but also in order to understand the grounds on which alternative versions of how state schooling should be organized were advanced and justified by different interests.

According to educational historians Gidney and Lawr (1979), there was general agreement in Upper Canada in the early nineteenth century that the state should play a major role in the provision of education. However, there was no agreement either on the form that support should take or on the degree of supervision and control that was to accompany it. Instead, fundamental issues in the organization of an emerging school system (e.g., the role of the church; the place of elected versus appointed officials in the system; the location of taxation powers; authority over the curriculum and textbooks; and responsibility for the training, certification, and

inspection of teachers) underwent a prolonged educational debate in both the press and the legislature.

At the heart of much of this debate was a political struggle over what was to constitute “responsible government,” which contrasted American models of republican democracy with British models of a monarchical system of colonial administration. Responsible government to members of what was then called the Reform Party implied electoral responsibility, the championing of local electoral democracy (in the narrow and patriarchal sense of local property), and a decentralized school system. For Upper-Canadian Conservatives, such a vision of local democracy was seen as being far from responsible; rather, they predicted, this form of representative government would be “imperilled by local ignorance” and seriously undermine the social fabric of the colony. Instead, responsible government to them meant government by men deemed “responsible” on the basis of “technical competence and worth” (Curtis, 1988, p. 52).

The ebb and flow of these struggles is evidenced in the series of Education Acts introduced into the legislature between 1836 and 1850. Some of these bills were defeated, while others were vetoed by the Executive Council; but those passed into law by 1850 detailed a provincial system of schools that in many important ways foreshadowed the contemporary structure in most Canadian provinces.

Prior to the 1840s, state involvement in education was prescribed primarily by the *School Act* of 1816, which allowed local property owners to meet, select three trustees from among themselves, and hire a teacher who, if approved by the appointed District Board of Education, was eligible for a grant-in-aid from the state. However, in the aftermath of the 1837 rebellions in the Canadas, the victorious Conservatives in Upper Canada came to view this localized autonomy as a contributing factor to the insurrection. From this perspective, republican sentiment had been allowed to spread throughout Upper Canada, in part because the central authorities had permitted communities to hire American teachers and to use

American textbooks – a combination that served only to alienate the population from the British monarchical form of government (Wilson, 1970). In the interests of ensuring that these destabilizing influences were contained, many believed that a central authority was needed to monitor and provide direction to local schools.

In Lower Canada, the 1837 uprising had greater intensity, was of longer duration, and was perceived to pose a more obdurate threat to the British connection than the hostilities in Upper Canada. Lord Durham wrote in his famous *Report* that he was perplexed to find there are “two nations warring in the bosom of a single state ... a struggle not of principles, but of races” (Craig, 1990, p. 315). It was his conclusion that French Canadians should be assimilated, and to do this he recommended, among other things, that the two colonies be joined in a single political entity. This was done through the *Act of Union* in 1841.

Given that colonial officials in both sections (Canada East and Canada West) of the newly united colony were anxious to undertake the task of remaking the political and cultural character of the respective populations, it is not surprising that educational legislation should have been among the earliest considerations of the freshly constituted Canadian government. The *Common School Act* of 1841 created, for the first time, a central administrative authority, establishing the post of the chief superintendent of education, an officer appointed by the governor to oversee the operation of elementary education in both sections of the colony. This position was abolished two years later when it became apparent that the historical development of school systems in the Canadas made a single bureaucracy inoperable. French-Canadian politicians were not about to submit to a policy of forced assimilation in any case, and so an assistant superintendent was appointed for each section. The 1843 *Education Act* gave these officers responsibility for allocating the common school fund, collecting and reporting information on local educational organization, and instructing other education officers in matters

relating to “the better Organization and Governance of Common Schools.”

The 1841 legislation also stipulated that local property assessments should match the contributions of the colonial government; the responsibility for raising these funds was removed from locally elected trustees and given to the more broadly based elected township Board of Commissioners. The absence of well-developed government at the municipal level led to the repeal of the 1841 School Act in 1843 and the reinstatement of the local elected trustees. These boards resumed responsibility for maintaining the schoolhouse, calculating and collecting the school rate, hiring teachers, selecting textbooks, and overseeing the courses of study. They did not act alone, however, positions of county and district superintendents were created. The county superintendents were assigned the task of examining and certifying all prospective teachers and re-examining practising teachers at their discretion. In addition, they were required to visit all schools at least once a year, to advise trustees and teachers on the operation of their schools, and to submit annual reports to the colonial superintendent.

Neither the 1841 nor the 1843 legislation radically altered the practical powers of local educational self-management, which remained substantially located with local property. What the legislation did do was contribute significantly to the development of a modern education bureaucracy by establishing what Houston and Prentice (1988) refer to as “the paperwork principle”; written reports on forms provided by the provincial authorities were now required as essential to the working of the system (p. 110). The significance of this new development in terms of the relationship between local and provincial jurisdiction and between lay and professional authority is noted by Curtis (1988):

The administration of the 1843 Act produced a marked shift in the relations of knowledge/power between the central authority and the local schools.... The central office

increasingly had a corps of paid and respectable educational investigators in the field. While many teachers and other local educational participants continued to correspond with the central office, their conceptions for and interests in educational organization could, from 1843, be counterposed by central administrators to those of respectable men of character. (p. 32)

If the 1841 and 1843 legislation left intact a largely decentralized school system in Upper Canada in the hands of local property, the *School Act* of 1846, introduced by a Tory-dominated legislature and revised by Reformers in 1850, served to promote a shift of much of this local power to centralized administrative structures. Under the provisions of the 1846 Act, the chief superintendent of education, advised by the newly created General Board of Education, was made answerable not to the legislature but to the governor-general-in-council. This meant that Egerton Ryerson, although not himself an elected official, was, as chief superintendent, accountable to the Cabinet alone and was thus only indirectly accountable to the popularly elected legislature. In addition to the responsibility of gathering and disseminating information, the superintendent was given authority to prepare whatever regulations were deemed necessary for the improvement of schooling, and the power to withhold grants if these regulations were ignored or broken. In the area of teacher training, the Act called for the establishment of a provincial “normal school” and placed the responsibility for its operation with the superintendent and the General Board of Education.

The chief superintendent’s powers were exercised energetically by Ryerson in the years following the passage of the 1846 legislation as he struggled to establish an orderly and uniform school system. As Houston and Prentice (1988) note,

The new chief superintendent of schools was determined not only that there would be adequate school law in the province; he wished also, as his title suggests, to

superintend: to instruct, advise, and regulate, down to the finest detail, the schools and schooling of Upper Canadians. (p. 119)

Effective central authority was dependent on an effective inspectorate. Ryerson sought, unsuccessfully, to establish this at the central level, and the 1846 Act continued the existing arrangements of local superintendents appointed solely by district councils. However, the Act added to this arrangement the requirement that the local superintendents follow the instructions of the chief superintendent, establishing an important supervisory link between the central authority and local trustees. These superintendents, in addition to their task of certifying teachers, were empowered to give advice to local authorities and to begin the work of actually regulating life in schools.

The revisions introduced in the 1850 *Schools Act* modified some of the centralizing powers of the 1846 legislation and, in line with Reform philosophy, re-asserted the principle of electoral self-government, spelling out the powers of local trustees and adding a degree of political control to the centralized bureaucracy that Ryerson had built. The powers of the chief superintendent and the General Board of Education (re-named the Council of Public Instruction) remained largely unaltered, but they were made explicitly responsible to the ministry, which had not been the case in 1846. However, despite these concessions to local electoral autonomy, the division of power between central and local authorities had shifted significantly in favour of the former.

This system of governance has not remained unaltered in Ontario, nor was it faithfully copied in all other provinces across the country. Nevertheless, the struggles to define what would constitute an appropriate structure for the governance of public education involving competing versions of democratic participation, professional authority, and efficiency continue to resonate into the twenty-first century. In this debate the divisions of power and institutional forms developed in Ontario during the middle of the

nineteenth century continue to provide an important backdrop for public school systems across Canada.

2.4 Separate and Dissident School System

From the earliest days of state involvement in Canadian education, schools have been recognized as powerful agencies of socialization and social control, introducing the youth of the country to a particular view of citizenship and the knowledge, skills, and values needed to fulfill this role properly. In a country characterized by diversity, defining *whose* views of citizenship were to be promoted and legitimated in the public schools has been a continuous source of controversy and debate.

Today, forces such as increased interprovincial and international mobility and the development of a global economy, coupled with efforts to equalize educational opportunities and to see schools play a role in promoting and sustaining a sense of Canadian identity, have produced pressures for increased standardization of schools and curricula across the country. Yet, at the same time, countervailing pressures require schools to acknowledge the linguistic, regional, and cultural diversity of the country, and to give individuals more choice and communities more control over the school experiences of their children (Bosetti & Gereluk, 2016; Bosetti et al., 2017; Bruno-Jofre & Henley, 2000).

These tensions are not new in Canadian schooling. It is important to recognize that for a large part of Canada's history since Confederation, public schools have served to suppress diversity rather than sustain it – to assimilate the poor, the immigrant population, and Canada's First Nations. However, Canadian schools have, at different points in their history, been required to acknowledge and accommodate differences. This recognition is to be found most concretely in the entrenchment of educational rights across the country for the English and the French. These rights

originally focused on religion, but today are increasingly concentrated on language.

In the aftermath of the American Revolution, the British government became convinced that among the causes that led to the breakup of the first British Empire, the absence of a state church in the American colonies was the most significant. Consequently, subsequent colonial policy gave emphasis to elevating the Church of England to the status of a state religion in the various colonies of British North America. The initiative was ultimately doomed by the imprecise wording of legislation (e.g., using the term “Protestant” rather than naming the particular denomination), and by the inability of the Church of England to gain a majority of adherents among the thousands of immigrants who entered the colonies around the turn of the nineteenth century. Anglicans were, however, able to dominate colonial state offices as a common church affiliation became a distinguishing feature among elites like the Family Compact in Upper Canada. Efforts to extend the Church of England’s influence into the realm of state schooling were led by Bishop John Strachan of Toronto; he continued to claim that his church had special status in the colony, even after the 1830s when funds from Britain designated for the support of Anglican educational work were finally halted. Indeed, it was Anglican and not Roman Catholic lobbying that first established the principle of religious immunity (the right to establish publicly funded separate or dissentient schools) in the 1841 *Common School Act* (Wilson, 1970, pp. 210–11).

Between 1841 and 1863, a series of acts created the “separate schools” of Canada West and the “dissentient schools” of Canada East, allowing Protestant and Catholic parents to establish their own schools and, subject to provincial controls over the curriculum and teachers, to receive public funding. Section 93 of the *Constitution Act*, 1867 entrenched these rights in the Canadian Constitution for the four original provinces, and the subsequent establishment provisions of new provinces generally implemented similar arrangements. Thus, separate schools and school boards in

Canada are not usually outside the public school system or beyond the control of the minister of education. They are subject to the authority of the provincial government, but that authority is constrained by the provisions of Section 93 (listed below) and by the many interpretations of the Section's intent that have been made by the courts.

Section 93: In and for each province, the Legislature may exclusively make laws in relation to education subject to the following provisions:

(1) Nothing in any such Law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at Union;

(2) All of the powers, privileges, and duties at Union by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec;

(3) Where in any province a system of separate or dissentient schools exists by law at the Union or is thereafter established by the Legislature of the province, an appeal shall lie to the Governor-General-in-Council from any act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education;

(4) In case any such provincial law as from time to time seems to the Governor-General-in-Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General-in-Council on any appeal authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor-General-in-Council under this Section.

Section 93A: Paragraphs (1) to (4) of section 93 do not apply to Quebec.

Catholic and Protestant separate schools and school boards exist

in a variety of different forms across the country, reflecting in part the existing status of denominational schools in the provinces prior to entry into Confederation, and in part the outcome of legal and political challenges since then. The most serious early constitutional confrontation between Catholics and Protestants concerning Section 93 occurred in Manitoba after provincial legislation in 1890 abolished the dual confessional (meaning organized on the basis of religious belief) school system that had been in place since Manitoba entered Confederation in 1870. Provincial Catholics believed that the right to operate their own system of schools had been guaranteed in the *Manitoba Act*, which became an amendment to the BNA Act on terms negotiated by Louis Riel's provisional government. A series of court cases and one attempt by the federal government to introduce remedial legislation all failed to move the province to overturn its school legislation during the 1890s, and no appeal to the courts has since been launched.

In documenting the development of denominationalism in Canadian public schools, Pennings et al. (2012) classify Manitoba and British Columbia as provinces in which the public school system is non-denominational. Parents seeking a Catholic or Protestant education for their children in these provinces have to look to private schools, which today are eligible to receive some provincial funding. In Alberta, Saskatchewan, and Ontario, public and dissentient separate schools exist and are protected in law. The school systems in New Brunswick, Nova Scotia, and Prince Edward Island are ones that historically have seen some Roman Catholic schools operating within non-sectarian public school districts. A series of important court challenges in New Brunswick between 1873 and 1896 denied Roman Catholics the right to separate schools, but did support the informal accommodations that had been established in the province. Today, recognizably denominational schools, owned by the Roman Catholic Church and leased to the local school board, continue to exist without legal status in New Brunswick and Nova Scotia.

In Quebec and Newfoundland, previously existing denominational school systems became non-denominational during the 1990s, with both requiring constitutional amendments to bring about these changes. In Quebec, an attempt by the provincial government to reorganize school boards on the basis of language instead of religion in 1983 was ruled a violation of Section 93 of the Constitution. It was not until more than a decade later that the provincial government was able to achieve its goal by first securing, in 1997, an amendment to Section 93 of the Constitution with the addition of the new Section 93A (see above). Quebec now has a non-denominational dual school system structured along linguistic lines. Unlike any other province, Newfoundland prior to the 1990s had developed a multi-denominational series of school systems. These included a Roman Catholic system, a Pentecostal system, a Seventh Day Adventist system, and an Integrated system that combined four official systems: Anglican, Salvation Army, United Church, and Presbyterian. However, in the 1990s, against a backdrop of declining enrolments and economic difficulties, the province sought to replace this system with a unitary non-sectarian system. This required a constitutional amendment to Term 17 of the *Terms of Union of Newfoundland with Canada*. Because these changes were deemed to be a bilateral amendment applying only to the Province of Newfoundland, the necessary procedures laid out in Section 43 of the *Constitution Act, 1982* required authorizing resolutions from the Newfoundland provincial legislature and from the Canadian Senate and the House of Commons. This was finally accomplished in 1997, and a new provincial *Schools Act* passed in that year changed what had previously been the most denominational school system in Canada to one of the least denominational (Fagan, 2004; Galway & Dibbon, 2012). (See Box 2.5.1)

All constitutional powers in the Yukon, Northwest Territories, and Nunavut reside with the federal government but territorial governments have delegated authority for education subject to certain denominational rights. Under these provisions a Roman Catholic or Protestant denominational minority has the right to

establish separate schools for their children and to be exempt from school taxes levied to support majority schools.

2.5 Minority Language Education Rights

Religion was the vehicle in the BNA Act for protecting English and French minority rights in education. Because they are enshrined in the Constitution, the religious provisions of Section 93 continue to be important determinants of the organization of schooling in many parts of Canada, even though religion itself is generally a less important part of Canadian life than was the case a century ago. Meanwhile, in the second half of the twentieth century and in the beginning of the twenty-first century, this continued struggle has been recast largely in terms of language, which now has wider significance in Canada than religion.

Box 2.5.1

Newfoundland and Labrador – The Transition from a Denominational School System to an Interdenominational System

1949: Newfoundland joins Canada. The *Terms of Union of Newfoundland with Canada* preserve the existing denominational school system. Term 17 states: “In lieu of section ninety-three of the Constitution Act, 1867, the following term shall apply with respect to the Province of Newfoundland:

In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to

education, but the Legislature will not have authority to make any laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class of persons have by law in Newfoundland at the date of Union

Under Term 17, six denominations had the right to operate their own publicly funded schools.

1987: Term 17 amended to extend denominational school rights to the Pentecostal Assemblies. Four separate school systems operating: the Integrated School System (Anglican, Presbyterian, Salvation Army, and United Church); the Pentecostal School System; the Roman Catholic School System; and the Seventh Day Adventist School System.

1992: Royal Commission on Educational Reform (The Williams' Commission) recommends the creation of a single "interdenominational" system initiating several years of discussion and negotiations about restructuring.

1995: Provincial referendum supports a proposal to amend Term 17.

1996/7: Provincial legislature and federal Parliament approve amendment to Term 17 but attempts to implement the amendment are successfully challenged in the courts.

1997: Premier Tobin calls a second referendum on a new amendment that would allow for the creation of a single, publicly funded and administered school system. The proposed amendment is supported by the referendum and passed by the provincial and federal legislatures. It states: "1. In lieu of section ninety-three of the Constitution Act, 1867, this section shall apply in respect of the province of Newfoundland. 2. In and for the Province of Newfoundland,

the Legislature shall have exclusive authority to make laws in relation to education, but shall provide courses in religion that are not specific to a religious denomination. 3. Religious observances shall be permitted in a school where requested by parents.”

1998: The first nondenominational school boards are elected. The province has 11 boards including a provincial francophone school board.

2004: Minister announces school board consolidation to have only three English language boards—Eastern, Central, and Western—along with the existing Conseil Scolaire (francophone). The existing board structure in Labrador remains unchanged.

2013: The province moves to having only two school boards – the Newfoundland and Labrador English School Board and the Conseil Scolaire.

Section 23 of the *Canadian Charter of Rights and Freedoms*, entitled “Minority Language Educational Rights,” provides parents who speak the minority official language in their province with specific rights to public schooling for their children. According to the language provisions in Section 23:

(1) Citizens of Canada: a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority ... have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) ... a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and b) includes, where the numbers of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

The above provisions establish the requirement for provincial governments to provide instruction in the official minority language. Since 1982, there has been considerable political and judicial activity across Canada to interpret these provisions and to bring existing practice into line with constitutional requirements (Clarke, 2009; Manley-Casimir & Manley-Casimir, 2009). Provincial governments have used various strategies to defuse the political controversies surrounding issues of language. Several provinces have chosen to place the issue of how they are required to comply with Section 23 before the courts rather than risk initiatives of their own that might be unpopular with voters. Even when the courts have made rulings, in several provinces governments have appointed third-party commissions to develop implementation plans. One question the courts have been asked to interpret is the meaning in Section 23(3) of the phrase “where numbers warrant.” Tardif (1990) notes that in Quebec this number has generally been defined as 1 student, but a Nova Scotia judge deemed that 50 students were insufficient to justify a French school, and a request in Alberta from parents of 188 children was also refused. In Prince Edward Island, francophone parents successfully petitioned the Supreme Court of Canada to have a French-language primary school established in the town of Summerside (Clarke, 2009). The Minister of Education had previously denied approval of the school on the grounds that a minimum enrolment of 100 students was, in

his view, necessary for a viable school (*Arsenault-Cameron v. Prince Edward Island*, 1999/2000). These differences, Tardif suggests, are rooted in the distinction between “entitlement” and “demand”; that is, whether parents under Section 23 have only to show that they are entitled to minority language education, or whether they are required to demonstrate sufficient demand. Because it fails to take local circumstances into account, the courts have rejected any fixed minimum number of students as defining “where numbers warrant,” and have denied the use of existing school district boundaries to define minimum numbers. However, Tardif notes that the Court of Appeal judgment in Alberta in the case of *Mahé et al. v. Her Majesty the Queen* (1987) appears to place the burden of proof of demand on the parents.

A second critical set of issues on which the courts have been asked to rule includes the homogeneity of schools and questions of management and control over minority language education. Section 23(3) refers to “minority language educational facilities.” Originally, some jurisdictions interpreted this requirement to be satisfied by the provision of distinct programs for francophone students in existing educational facilities. However, over time, all provinces have recognized the argument that only separate francophone schools can satisfy the spirit of the *Charter* for language protection and avoid the damaging effects of assimilation.

In the area of governance, the courts have interpreted Section 23 as conferring on minority language parents a right to be involved in the management and control over their children’s schooling, although the courts have not specified what form that management right must take. Clarke (2009, p. 226) documenting the evolution of minority language governance across Canada notes that all provinces now provide first language minorities, be they French or English, with their own school boards. Furthermore, when recently some provinces have moved to abolish their school boards, they have left these boards untouched. In some provinces such as British Columbia, Prince Edwards Island, and Saskatchewan, where the linguistic minority population is small and geographically dispersed

there is a single board for the whole province. Other provinces have multiple boards, and in Alberta and Ontario French-language boards are further split along denominational lines (Table 2.5.1)

Table 2.5.1
Diversity and Choice in Canadian Provincial School Systems

Province	Public Francophone	Separate Catholic	Separate Francophone	Separate Protestant	Charter	Independent
British Columbia	Yes					Yes, 30-funded
Alberta	Yes	Yes	Yes	Yes	Yes	Yes, 60-funded
Saskatchewan	Yes	Yes		Yes		Yes, 50-funded
Manitoba	Yes					Yes, 50% funded
Ontario	Yes	Yes	Yes	Yes		Yes
Quebec	Yes					Yes, up to 60% funded
New Brunswick	Yes					Yes
Nova Scotia	Yes					Yes
Prince Edward Island	Yes					Yes
Newfoundland & Labrador	Yes					Yes

Source. Adapted from Clemens et al. (2014). *Measuring choice and competition in Canadian education*. www.fraserinstitute.org and Robson, K. (2013). *The sociology of education in Canada*. Pearson.

These developments give recognition to the critical role that schools play in either the promotion or erosion of languages and culture, and to the struggle required to have a language and culture other than that of the official majority properly accommodated within the public school system. For languages and cultures that lack the constitutional force of the English and French, this struggle

is more difficult. However, where the legitimacy of linguistic and cultural diversity is recognized, new organizational arrangements are likely to be required that may add to the complexity of both existing provisions and single, geographically coherent school boards.

For example, in 2019, the federal *Indigenous Languages Act* came into being that will likely have significant impact on both federal/ First Nations and provincial schools given that section 5(e) of the Act (see below) includes as one of its purposes the intent to create collaborations between levels of governments and Indigenous organizations that support Indigenous languages. As most Indigenous languages spoken on the territories of Canada are endangered, there are many calls for programs to support Indigenous language revitalization. Many programs are being developed and offered in schools as individual classes, dual language or immersion programs. Important developments in school contexts will be made over time as this Act opens opportunities not only for the development of programs, but also for justification of resourcing of those programs. Box 2.5.2 outlines the purposes of the Indigenous Languages Act that speaks clearly to the development of programming to support language reclamation.

Because of Canada's history and its population dynamics, religion and language will continue to play an important role in Canadian education and will constitute one of the major political issues with which provincial governments must cope. Specific provisions are likely to continue to evolve, but the issues will not disappear whatever arrangements may be made.

Box 2.5.2

Purposes of the Indigenous Languages Act, 2019

Purposes of Act

5 The purposes of this Act are to:

(a) support and promote the use of Indigenous languages, including Indigenous sign languages;

(b) support the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen Indigenous languages, including their efforts to

(i) assess the status of distinct Indigenous languages,

(ii) plan initiatives and activities for restoring and maintaining fluency in Indigenous languages,

(iii) create technological tools, educational materials and permanent records of Indigenous languages, including audio and video recordings of fluent speakers of the languages and written materials such as dictionaries, lexicons and grammars of the languages, for the purposes of, among other things, the maintenance and transmission of the languages,

(iv) support Indigenous language learning and cultural activities — including language nest, mentorship and immersion programs — to increase the number of new speakers of Indigenous languages,

(v) support entities specialized in Indigenous languages, and

(vi) undertake research or studies in respect of Indigenous languages;

(c) establish a framework to facilitate the effective exercise of the rights of Indigenous peoples that relate to Indigenous languages, including by way of agreements or arrangements referred to in sections 8 and 9;

(d) establish measures to facilitate the provision of adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages;

(e) facilitate cooperation with provincial and territorial governments, Indigenous governments and other Indigenous governing bodies, Indigenous organizations and other entities in a manner consistent with the rights of Indigenous peoples and the powers and jurisdictions of Indigenous governing bodies and of the provinces and territories;

(e.1) facilitate meaningful opportunities for Indigenous governments and other Indigenous governing bodies and Indigenous organizations to collaborate in policy development related to the implementation of this Act;

(f) respond to the Truth and Reconciliation Commission of Canada's Calls to Action numbers 13 to 15; and

(g) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples as it relates to Indigenous languages.

Source. Indigenous Languages Act (S.C. 2019, c. 23).
<https://laws-lois.justice.gc.ca/eng/acts/I-7.85/page-1.html>

2.6 The Minister of Education and The Department of Education

In each province, the Department or Ministry of Education, headed by the minister of education, is the central educational authority. In some provinces postsecondary education and training is assigned to a separate minister and department, while in others both portfolios are included under one minister. The minister of education, an elected member of the provincial legislature, is appointed to the education portfolio by the premier; they are also a member of Cabinet. In the Canadian parliamentary system, the Cabinet responsible to the legislature is the key planning and directing agency of government. It approves all legislation brought forward by the government and formulates policy in education and all other areas of provincial jurisdiction. Although the drafting and passing of new laws often receives the greatest attention, it is only one of the ways in which government affects education. Since most provinces have only a few basic laws governing education, and these are not revised significantly very often, most government work in education lies outside the area of legislation. The distinctions among these various avenues of government activity are explained more fully in Chapters 3 and 4.

The role played by a minister of education at any particular period of time depends on the overall priorities of the premier and the government, and on the ability of the minister to influence these priorities. Nonetheless, because ultimate legal authority over education rests with provincial governments, ministers do play a critical role in determining how a province sets long-term educational policy and in influencing the level of funding provided to schools (see Chapter 5). They make, or approve, decisions about

all sorts of educational issues, from new curricula to be introduced, to rules governing the certification of teachers, to the number of credits required for high-school graduation. The minister must defend before the public the government's policies on education, even if they were opposed to the policy. And when parties to a local dispute at the school board or district level cannot come to an agreement, they will often call on the minister to intervene and settle the matter.

Being a government minister is an extremely demanding job. Leading a large and complex department is, in itself, a complicated task. But ministers must also participate in the work of the Cabinet as a whole, which means making decisions about all policy issues facing the province. Ministers are under constant pressure from various individuals and groups who wish to meet with them in order to influence what the government does. Ministers receive hundreds of such requests each year, just as they are asked to speak or appear at hundreds of public events. As politicians, ministers also have a responsibility to be in their constituency and available to the voters who elected them. Nor should we forget that ministers have personal lives and may reasonably want to spend time with family and friends.

Given all of this, no minister can possibly know all the details or activities under her or his authority. Most of the work of the department of education is done by civil servants within the broad guidelines set by the minister, or within agreements established by past practice. A great deal of this work is fairly routine or formalized. For example, the development of most new policies and procedures for schools normally proceeds through the work of committees, with the minister being involved, if at all, only at the end of the process in approving the final result. The issuing of certificates to new teachers (or teachers new to the province), the ongoing provision of money to school divisions, the approval of plans for new schools, the operation of distance education courses – all of these activities are usually performed under the supervision of Department of Education staff. The direct involvement of ministers

is usually reserved for items of great long-term importance or for those having to do with important policy directions, politically sensitive issues, or crises.

The department's civil service is headed by the deputy minister, who is a civil servant appointed by the Cabinet. At one time, provincial deputy ministers were almost always career educators, many of whom had previously been teachers, principals, and school superintendents. In recent years, however, many provincial governments have brought deputy ministers into education from other areas of government. Unlike most other civil servants, deputy ministers serve at the pleasure of the Cabinet, which means that they can be dismissed by a government at any time. It is common in Canada when a new political party takes office after an election for the new government to replace some deputy ministers with people who are more sympathetic to its changed policy directions.

The deputy minister coordinates the work of the department in all its multiple functions. A typical department of education will have units dealing with areas such as planning, school finance, curriculum development and assessment, special education, language programs, and renovation or construction of school buildings. All of these tasks require full-time attention and some technical expertise; thus, departments of education today tend to be large organizations (although smaller than they were a decade ago) employing hundreds of people, many of whom are professional educators. The enormous range of issues dealt with in a department of education includes highly complex financial, legal, and technical questions, as well as issues typically thought of as educational, such as curriculum or school regulations.

The Department of Education is a mix of political and professional authority, embodying the tension between professional and lay control mentioned earlier in the chapter. The civil servants are generally guided by their professional training and background. Their views of the needs of education are influenced by their own background and training. They may be quite resistant to what they see as a partisan political direction taken by a government that

2.7 Local Participation in Education Governance: The Development of School Boards

As noted earlier, in order to facilitate the day-to-day operation of public schooling and to allow for local community input into the running of their schools, all provinces created some form of locally elected educational body, traditionally called school boards. Within legally prescribed parameters, school boards were responsible for operation of schools within their geographically designated school district or division. In the early twentieth century these local boards were small and truly local – often responsible for only a single school. However, through the process of amalgamation, discussed below, some larger urban school divisions may now be responsible for several hundred schools.

In the last three decades, not only have school divisions/districts become larger and larger, but across Canada, provinces have moved to increasingly centralized educational decision-making. Provincial governments have removed from school boards a number of powers including the ability to raise education taxes locally and local collective bargaining, while at the same time increasingly holding them accountable for local student achievement. These developments have significantly altered the character of local education governance leading to a major restructuring of school boards across the country, and to their abolition in some provinces.

Box 2.7.1

School Boards and District Education Councils in New Brunswick

The past decade has seen a great deal of upheaval in school governance in New Brunswick and dramatic shifts in the relationships between provincial and local decision-making in education.

1992: The number of local school boards reduced from 42 to 18. Funding, collective bargaining, and control of the curriculum all provincial responsibilities.

1996: School boards abolished in New Brunswick and all education employees became employees of the province. New system includes 2 Provincial Boards (one French, one English), 18 District Parent Advisory Councils, and local School Parent Advisory Committees. Participation on these bodies was limited to parents of school-aged children.

1999: Provincial elections. New government committed to returning to locally elected governance structures.

2000: Report of the Select Committee on Education, May 18, 2000, recommends a structure that provides for publicly and locally elected bodies at the district level with a continued role for local school committees.

2001: District Parent Advisory Councils and Provincial Boards of Education were dissolved and replaced by 14 District Education Councils (DECs) (nine Anglophone and five Francophone) each made up of between 11 and 13 elected members elected on a sub-district or ward basis. The mandate of the DECs was limited to policy governance, with the superintendent of each district hired by the DEC to lead and manage daily education operations. At the local school level School Parent Advisory Committees (SPACs) were replaced with Parent School Support Committees

with expanded opportunities for participation and added roles.

2012: As of July 1, 2012, the nine previous Anglophone districts were reduced to four: Anglophone School District North, Anglophone School District West, Anglophone School District South, and Anglophone School District East. The five previous Francophone districts were reduced to three: District Scolaire Francophone Nord-Est, District Scolaire Francophone Nord-Ouest, and District Scolaire Francophone Sud. Each of these newly amalgamated districts continued to be governed by new District Education Councils elected in May 2012. School level Parent School Support Committees (PSSCs) continued as before. Within the amalgamated districts, the organizational structure was amended to include senior education officers in charge of Education Centres in each district, often the site of the former district office.

Source. New Brunswick Department of Education
Website: <www.gov.nb.ca/education>

The History of Consolidation

Today, the local school board in a rural area is likely to be responsible for the administration of many elementary and secondary schools, spread out over a large geographical area and enrolling thousands of students. Urban school boards may have much larger enrolments. The Toronto District School Board in Ontario, formed in 1998 by the amalgamation of seven existing boards of education, has some 247,000 students attending close to

600 schools, making it the largest school board in Canada and one of the largest in North America (<https://www.tdsb.on.ca/About-Us>).

This pattern of large local school districts is a growing phenomenon in Canada, the product of both the consolidation during the mid-twentieth century of a patchwork of thousands of small, usually single school districts that provided an earlier structure for local educational authority, and a more recent period of provincially mandated amalgamations over the last three decades. In the section that follows, the early process of consolidation in Alberta is briefly outlined. Alberta was one of the first provinces to begin to create larger administrative units in earnest, and this development had considerable influence across Western Canada. While consolidation has since occurred in all provinces, it has not always taken exactly similar forms or at the same time, nor should any particular current consolidated arrangement be considered a “once-and-for-all” administrative arrangement.

Consolidation in Alberta

By the time Alberta entered Confederation in 1905, an educational system based on small local administrative districts, sometimes referred to as “four-by-fours” – four miles long and four miles wide – was well established. Some 600 such districts existed when Alberta was incorporated as a province, and with continued settlement and development in the early twentieth century, this number eventually surged to over 5,000.

While these small administrative units were in many ways well suited to the existing educational needs, economic conditions, available transportation systems, and political preferences, they also gave rise to administrative and educational problems. Their size, while facilitating student access and community input, was

often perceived as an obstacle to the improvement of rural schooling. Small districts, it was argued, made it difficult to provide for education beyond the elementary grades; resulted in large discrepancies among districts in terms of their financial strength and the quality of education they provided; made it difficult to create stable working conditions and career options that could improve the professional status of teachers; and led to duplication and a related lack of economies of scale in the buying of school materials. Such concerns gave rise in the early decades of the twentieth century to a number of experiments in which local districts cooperated to create larger consolidated school districts covering up to 207 square kilometres, with students being transported to a central village or town school. This development began in Alberta with the formation of the Consolidated School District of Warner in 1913, and by 1919 there were 63 consolidated school districts in Alberta. However, this approach to consolidation lost its momentum, and after 1922 a number of consolidated districts were disbanded.

The limitations that small school districts posed to the development of secondary schooling resulted in several provinces moving to larger administrative units in two stages – the first involving only secondary schools, and the second bringing elementary schools into the secondary units to form a unified school system. In Alberta, the *Consolidated School Act* of 1921 made possible the creation of a number of rural high-school districts in which four to eight local districts combined for the purposes of providing secondary education (while maintaining their individual responsibility for elementary schools).

While a number of such districts were created in the 1920s, it was in 1936 that the largest step was taken in consolidating Alberta's school districts, when by ministerial order all rural districts were absorbed into greatly enlarged administrative units referred to as school divisions. These divisions initially consisted only of rural districts and hamlets, but they were soon joined by most towns and villages, so that by 1939 there were some 44 divisions in operation

across the province, and by 1959 there were 55 covering almost all the rural settlement in Alberta. The divisions comprised between 70 and 80 school districts and covered from 3,885 to 5,180 square kilometres in area. Local districts remained in existence, but school divisions, governed by an elected board of trustees and supported by a full-time central office staff and a provincially appointed superintendent, assumed virtually all of their administrative responsibilities, leaving the district board with a very minor advisory role in matters related to religious instruction and the use of French in schools.

The 1950 *County Act* allowed for the establishment of counties in Alberta. These were to be a unified form of government that, instead of keeping separate municipal and educational responsibilities, combined them in a single administrative unit. Established in many parts of rural Alberta, they provided an alternative structure to the separately administered school divisions and municipal districts.

In the 1990s, Alberta, like virtually all other provinces, initiated a further consolidation and regionalization of its school boards. By a process of both voluntary and mandated amalgamation during 1994, the number of operating school boards in the province was reduced from some 141 to less than 70. Currently there are 62 public, separate and francophone school boards in Alberta (<http://education.alberta.ca/admin/role.aspx>).

The Role of School Boards

As has already been noted, local school boards are required to act within the parameters laid down in provincial legislation and regulations, and are held accountable to the provincial government through the minister of education. However, school boards are also, in most cases, subject to local election every few years, which obliges them to reflect the educational aspirations of their local voters.

When school boards were responsible for very small jurisdictions, the most common number of board members, called trustees, was either three or five. Today, school boards generally consist of seven to fifteen trustees, although there are some boards that exceed this size. It is normal in most provinces for trustees to be elected, either by the electorate of the school district as a whole or in individual wards; under the latter system, the district is subdivided into regions or wards, each of which elects one or more trustees to reflect its interests on the board. In recent years, an important modification to this process has been the institution of legal provisions by some provinces and territories to ensure the representation of specific minority populations on their school boards. This has generally involved Francophone and Indigenous populations, and in Nova Scotia, prior to the abolition of school boards, African-Canadian representation. In Ontario, since 1998, school boards that operate secondary schools have been required under the *Education Act* to appoint at least one pupil representative (or “student trustee”) to provide advice to the elected trustees. These pupil representatives do not vote on board decisions or attend in-camera meetings. Nonetheless, they do represent a new and significant attempt to provide for a student voice in school board deliberations (Lindeman, 2004).

There are few restrictions on who can run for election to a school board. The Manitoba *Public Schools Act*, for example, states that anyone who is (1) a resident elector of the division, (2) at least 18 years old, and (3) a Canadian citizen can run for election to the school board. Once elected, it is the trustees collectively who constitute the board as a corporate body with a legally defined range of duties. This collective constitution is important because it means that the board exercises its authority only as a single corporate entity and not through the actions of individual members.

As with their counterparts at the provincial level, the elected school board members are generally assisted by a professional administration headed by a chief executive officer, variously referred to as superintendent or director of education. The size of

the board office administration is usually related to the size of the district. Many of the same tensions that exist between provincial politicians and professionals can also be found between school boards and their superintendents.

Superintendents may feel that trustees are uninformed about education and have agendas that are short term and much too heavily influenced by re-election considerations. Trustees may feel that their professional staff are insufficiently concerned with what the public thinks, and too unwilling to accept any criticism. As at the provincial level, this tension can be positive or negative, depending on how well the parties are able to work together to take best advantage of their different viewpoints. Trustees have the last word in that the school board hires and can fire the superintendent. While firings of superintendents do occur in Canadian school districts, it is also common for superintendents to serve many years or to leave voluntarily for another position, usually in a larger district.

School boards are mandated both to ensure local compliance with provincial laws and to be responsive to community interests (which may themselves be multiple and contradictory). Their situation can fluctuate quite rapidly from public disinterest reflected in low voter turnout at elections, acclamations, and empty board meetings, to passionate involvement characterized by packed board meetings and electoral defeat for trustees. Such action can come as a consequence of either competing local interests or as conflicts between local and provincial agendas. The following examples describe only some of the controversial issues that school boards are likely to address.

1. *Setting budgets.* Deciding issues such as cutting or increasing budgets, hiring and laying off teachers, and reducing services.
2. *Personnel.* In some provinces, negotiating collective agreements for professional and support staff. Defining working conditions in areas such as class size, preparation time, maternity/paternity leaves, and pensions. Assigning

principals to particular schools.

3. *Facilities.* Deciding on school closures and school openings, as well as reorganization; selecting which schools will offer which programs; and determining how transportation will be provided.
4. *Programming.* Deciding on the provision of programs other than those mandated by the province (e.g., international baccalaureate programs, family life education, and minority language programs).

2.8 Local Participation in Education Governance: Recent Developments - Regional Centres for Education, Service Centres, Advisory Councils and School Councils

In the second half of the twentieth century, Canadian public school governance generally operated on a shared, relatively decentralized, collaborative model. While provincial government maintained and exercised final authority over education policy, school boards – elected, with taxing authority as a significant resource for independent action, and, representing small enough populations to be in touch with local communities – were afforded considerable flexibility to adapt provincial policy to reflect local circumstances as well as a respected role in the development of provincial policy (Bedard & Lawton, 2000; Gidney, 1999; Lessard & Brassard, 2009).

Since the 1990s in all Canadian provinces the role of school boards has been substantially restructured as provincial governments have moved to centralize a great deal of decision-making authority, including all taxation powers. Prince Edward Island and Nova Scotia school boards, with the exception of Francophone boards, were eliminated completely in 2012 and 2018 respectively. In PEI, school board responsibilities were taken over by the Public Schools Branch which operates with an appointed, three-person Board of Directors. (In 2019 the PEI government committed to return to an elected

Board in 2022.) In Nova Scotia, school boards were replaced by a central Education Service Centre and a Provincial Advisory Council. (See Table 2.8.1)

In 2020 the Quebec Government converted its 60 French-Language School Boards to Education Service Centres replacing elected school trustees with an appointed 15-person Board of Directors for each Service Centre.

Legislation currently before the Manitoba Legislature, if passed, will see the abolition of school boards in that province, the establishment of a Provincial Education Authority overseen by an appointed Provincial Education Council, along with 16 regional Directors of Education appointed by the Provincial Education Authority.

Across Canada, this restructuring of provincial-local authority in education governance is still very much in flux, but the centralization of authority and the shift in local oversight from elected school trustees to centrally appointed officials have been significant developments. Instead of a more collaborative pre-existing model, the dominant model of provincial-school board relationships – where school boards continue to exist – is now closer to one described by Bedard and Lawton (2000) as “administrative agency” where the “local authority exists to ensure accountability and efficiency through regulation enforcement and uniform service delivery” (p. 243) with little autonomy to reflect local needs and interests.

Table 2.8.1

Local Education Authority Structures (as of early 2021)

Province	Student Enrolment	Local Education Authority	Representation: Elected/Appointed
British Columbia	561,501	60 Boards of Education	Boards consist of 3-9 elected trustees
Alberta	673,788	65 School Boards	Boards consist of 3-9 elected trustees
Saskatchewan	182,577	28 School Boards	Boards consist of 5-10 elected trustees
Manitoba*	186,522	37 School Boards	Boards consist of 5-11 elected trustees
Ontario	2,040,480	72 School Boards: 31 English Public, 29 English Catholic, 4 French Public, 8 French Catholic	Boards consist primarily of publicly elected trustees but may also include First Nations trustees representing communities with education agreements with the board, and (non-voting) Student Trustees
Quebec	944,922	60 Francophone School Service Centres, 1 Special Status School Service Centre, 9 English Language School Boards, and 2 Special Status School Boards (Cree School Board and Kativik Ilisarniriniq)	In 2020 Francophone School Boards with elected Trustees were replaced by School Service Centres each administrated by a 15-person appointed Board of Directors. English Language School Boards continue to have an elected Board of Trustees
New Brunswick	97,896	7 District Education Councils: 4 Anglophone, 3 Francophone	Councils consist of 7-13 elected members

2.8 Local Participation in Education Governance: Recent Developments - Regional Centres for Education, Service Centres, Advisory Councils and

Nova Scotia	120,603	1 Francophone Board. Anglophone Boards were abolished in 2018	School Boards replaced by a provincial Education Service Centre and an appointed provincial Advisory Council. Francophone School Board remains
Newfoundland & Labrador	64,188	2 School Boards	One provincial elected English School Board and one Conseil Scolaire Francophone
Prince Edward Island	20,361	1 Francophone School Board. Two Anglophone School Boards were abolished in 2012	Schools governed centrally via provincial Public Schools Branch and an appointed Board of three Directors. In 2019 the government committed to returning to an elected Board by 2022. One Conseil Scolaire Francophone. Eight District Advisory Councils
Yukon	5,448	29	Boards consist of 5-9 elected trustees with provisions for guaranteed Yukon First Nations representation
Northwest Territories	8,496	36	District Education Councils with 5-7 elected members. Provision for public Denominational Councils
Nunavut	10,653	27	District Education Authorities with 7 elected members

* Legislation is currently before the Manitoba Legislature that, if passed, will abolish school boards in the province and replace them with a provincial Education Authority overseen by an appointed provincial Education Council.

2.9 Schools and School Councils

The processes of consolidation outlined above substantially altered the balance of authority in most provincial school systems. The trend of shifting power away from the school neighbourhood or community, and away from direct public involvement, continued as the larger school divisions came to depend increasingly on the professional expertise of their superintendents and staff. A couple of decades ago, attempts began in most provinces to strengthen the role of local voices – particularly those of parents – in the education system. This has been done by giving legal status to a variety of parent advisory committees, school councils, and orientation committees at the school level, together with an elected membership and an expanded role in influencing the ongoing life of the school (Brien & Stelmach, 2009; Rideout, 1995).

While such initiatives have seen the inclusion of a variety of groups and the delegation of different degrees of authority over various elements of school life, most have sought to include a greater advisory or consultative role for parents in a broad range of school-related issues (see Table 2.9.1). The phrase “partners in learning” characterizes the idealized relationship between parent and teacher, family, community, and school. Justifications for such initiatives have come from at least three directions: (1) the growing research literature that indicates that parental participation has positive effects on student learning; (2) social and political arguments that support parental rights to advocate on their children’s behalf over matters of education; and (3) a pragmatic argument that suggests that the availability of the resources necessary for public schooling in the future will depend increasingly on the political support of parents in the face of increased competition from other sources.

Table 2.9.1
Parental Participation in School Level Governance in Canada

Province and Council Name	Date	Legislation and Background Documents	Composition
British Columbia School Planning Councils	2002	Bill 34 School Board Flexibility Bill	3 parents, 1 teacher, and the school principal. Plus 1 student in high schools.
Alberta School Councils	2019	Alberta Regulation 94/2019	1 principal, 1 or more teachers, 1 student (for high schools), parents of students in the school, another parent or community member.
Saskatchewan School Community Councils	1995 2007	Education Act Sec. 140	5-9 elected parents, guardians or community members. Members may be appointed by a board of education.
Manitoba Advisory Councils for School Leadership	1995, 1996	Education Administration Act	7 members with two-thirds parents and one-third non-parents including community members. Teachers and staff may be elected but may not number more than the community members.
Ontario School Councils	1995	Policy/Program Memorandum No. 122	Principal, 1 teacher, parent representatives, non-parent community members.
Quebec School Councils	1998	Bill 180 (1997)	Students, parents, teachers, staff, and community representatives. Principal ex-officio.
New Brunswick	2001	Amendment to the Education Act	Parents. District education councils.
Nova Scotia School Advisory Councils	1996		Students, parents, teachers, staff and community representatives.
Prince Edward Island School Councils	1995	Section 66 of the School Act	Parents, teachers, and the principal. Students may also be represented.

Newfoundland and Labrador School Councils	1996	Royal Commission (1992); Bill 48, Section 26 of the Education Act	Parents, teachers, and the principal have an advisory role.
Yukon School Councils	1990	Education Act	Parent and community members. First Nations representation guaranteed.

Source. Adapted from Chan et al. 2007.

The Yukon, with the passing of the 1990 *Education Act*, provides an interesting example of a significant attempt to decentralize and democratize its educational system, and to establish a broad base for local participation in, and control over, schools. Under the provisions of the act, existing school committees, which prior to the act had only a limited advisory role, are encouraged to evolve into school councils or school boards with substantial authority over the operations of the local school. School councils of three to seven members (which may include guaranteed representation for Yukon First Nations populations) have substantial powers, subject to ministerial approval, over such matters as the selection of the school principal, approval of school rules, development of local curriculum, and evaluation and dismissal of teachers. After at least one year, the parents in the educational area served by the council may vote to become a school board and to assume increased powers over all areas of their school's operations.

As another example, in Quebec parental participation and public accountability on the part of schools were along with the already mentioned reorganization of school boards, a central part of the province's educational reform agenda a decade or so ago. To achieve this objective, provision was made for the creation of elected school governing bodies. These school governing bodies, required under the *Education Act*, offer a forum for community input and public accessibility, involvement, and accountability. Comprising parents, teachers, non-teaching and support staff, and, at the secondary level, students, the governing body is expected to play an important

role in creating a school whose whole ethos is responsive to the community it serves (See Box 2.9.1).

After twenty years of such efforts and legislation, however, the overall impact can only be called modest. There are more structures to involve parents, and schools are more sensitive than they used to be to the wishes and demands of local communities, but the move towards more local participation has not resulted in dramatic changes in how schools work or what they do. (Stelmach, 2016).

Box 2.9.1

Provisions for Elected School Governing Bodies in the Quebec Education Act (Selected Sections Updated to June 2014)

42. A governing board shall be established for each school. The governing board, which shall have not more than 20 members, shall include the following persons:
- (1) at least four parents of students attending the school who are not members of the school staff, elected by their peers;
 - (2) at least four members of the school staff, including at least two teachers and, if the persons concerned so decide, at least one non-teaching staff member and at least one support staff member, elected by their peers;
 - (3) in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students

enrolled at the secondary level or, as the case may be, appointed by the students' committee or the association representing those students;

(4) in the case of a school where childcare is organized for children at the pre-school and elementary school level, a member of the staff assigned to childcare, elected by his or her peers;

(5) two representatives of the community who are not members of the school staff.

The community representatives on the governing board are not entitled to vote.

43. The school service centre shall determine the number of parents' representatives and staff representatives on the governing board after consulting with each group concerned.

The total number of seats for staff representatives referred to in subparagraphs 2 and 4 of the second paragraph of section 42 must be equal to the number of seats for parents' representatives.

44. Where fewer than 60 students are enrolled in a school, the school service centre may, after consulting with the parents of the students attending the school and with the school staff, vary the rules governing the composition of the governing board provided in the second paragraph of section 42.

However, the total number of seats for staff representatives must be equal to the total number of seats for parents' representatives.

46. The principal of the school staff shall take part in the meetings of the governing board but is not entitled to vote.
56. The governing board shall choose its chair from among the parents' representatives.
64. Every decision of the governing board must be made in the best interests of the students.
68. The meetings of the governing board are open to the public; however, the governing board may order that a meeting be closed to the public if a matter is to be examined which could cause injury to a person.
74. The governing board shall analyse the situation prevailing at the school, principally the needs of the students, the challenges tied to educational success and the characteristics and expectations of the community served by the school. Based on the analysis and taking into account the commitment-to-success plan of the school service centre, the governing board shall adopt the school's educational project, oversee the project's implementation and evaluate the project at the intervals specified in it.

Each of these stages shall be carried out through concerted action between the various participants having an interest in the school and in educational success. To that end, the governing board shall encourage the collaboration of students, parents, teachers, other school staff members, and community and school service centre representatives.

75. The governing board is responsible for approving the school's success plan, and any updated version of the plan, proposed by the principal.75.1. The governing board is responsible for approving the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal. The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other school staff member.
83. Each year, the governing board shall inform the parents and the community served by the school of the services provided by the school and report on the level of quality of such services.

The governing board shall make public the educational project and the success plan of the school. Each year, the governing board shall report on the evaluation of the implementation of the success plan.

2.10 Federal Involvement in Education

The role of the federal government in Canadian education is an unusual one. Canada is the only industrialized country that has no federal office or department of education. Even in other federal states, such as Germany, there is a significant role in education for the national government. In Canada, federal activity in education, while it exists, is limited. Thus, there are different arrangements in each province for curricula, teacher certification, and even grades within the school system.

While the provisions of Section 93 of the *Constitution Act* give primacy to provincial authority over education and to the structures outlined in the preceding pages, the Act does not preclude federal government involvement. As education grew in importance in Canada, the federal government has made various efforts to play a more important role, and today it continues to have a presence in education despite the constitutional provisions of Section 93 (<http://cmec.ca/299/Education-in-Canada-An-Overview/index.html>). Some educational programs are run directly by the federal government, while others are collaborative ventures run jointly with the provinces or other educational authorities. (The federal role in the funding of education through transfer payments to the provinces is dealt with separately in Chapter 5.)

A major area of federal activity arises out of attempts to address the educational requirements of those areas of federal jurisdiction spelled out in Section 91 of the *Constitution Act* (e.g., national defence, Indian affairs, the territories, prisons, external affairs, and the economy). Thus, the federal Department of National Defence is responsible not only for the education of service personnel, but also for the education of children of members of the armed forces, either through the operation of schools on military bases or through

agreements with nearby school boards. In the Yukon, Northwest Territories, and Nunavut, territorial departments of education perform functions generally similar to those of the provinces, they are funded primarily by the federal government.

International Education

The federal government, through the Department of Immigration, Refugees and Citizenship Canada (IRCC), has in recent years worked in collaboration with the provinces and the Council of Ministers of Education (CMEC) to develop a national strategy for promoting international education (Advisory Panel on Canada’s International Education Strategy, 2012; Canada, 2019), that connects federal trade, and immigration interests with provincial education mandates (Elnagar, 2019; Elnagar & Young, 2021). Encompassing both K-12 and post-secondary education, this strategy covers the recruitment of, and programs for, foreign students studying in Canada, Canadian students studying abroad, collaboration between Canadian education institutions and those in other countries, and the exporting of Canadian education models to other countries (Canada, 2019).

Box 2.10.1

Canada’s International Education Strategy (2019–2024) Vision Statement

Over the next five years, the new International Education Strategy aims to diversify the education sector, boost

Canada's innovation capacity, promote global ties and foster a vibrant Canadian economy. The strategy will also help to ensure that Canada's labour force has the needed skills and talent to ensure Canada can compete successfully in global markets, creating middle-class jobs and fostering prosperity in communities across the country. The strategy is designed to support and complement efforts by provinces, territories and stakeholders toward a collective goal of a sustainable and successful international education sector.

The strategy aims to draw students from around the world to communities across Canada where they can enrol in a wide variety of schools and programs at all educational levels (Figure 1). At the same time, it will help a growing number of Canadian students return from studies and work abroad with the global competencies, skills and networks needed to drive Canada's success as an innovative trading nation. Lastly, it will assist more Canadian schools and businesses design and export cutting-edge educational services and products to an increasing number and diversity of international markets.

The Trade Commissioner Service of Global Affairs Canada will lead the new strategy, with other major components managed by Employment and Social Development Canada and Immigration, Refugees and Citizenship Canada.

Source. Government of Canada (2019). Building on success: International education strategy (2019-2024).

Of considerable significance in this regard is Canada's membership in the World Trade Organization (WTO) established in January 2000 and the ongoing global negotiations taking place through the WTO

to liberalize trade in services under the General Agreement on Trades in Services (GATS) (Canada, Department of Foreign Affairs and International Trade [DFAIT], 2003). In its participation in these negotiations designed to promote international trade and competition and the opening up of international markets to foreign service providers, Canada’s position has been that, while it is seeking increased access to international markets for the export of Canadian educational services, foreign access to Canada’s public education is non-negotiable (DFAIT, 2003). To do this, Canadian government representatives have drawn a distinction between “commercial education” and “public education” and remained committed to keeping public education out of the GATS negotiations. While advocates of the GATS negotiations argue for the substantial economic benefits that could be gained from exporting Canadian educational expertise, others see the process as presenting very dangerous threats to the integrity of public education in Canada. In this regard Grieshaber-Otto and Sanger (2002) suggest that the aims of GATS conflict with the basic principles underlying public education:

The impetus of the GATS is to expand commercial opportunities to foreign service providers and investors—in short, to commercialize services. Canada’s public education system exists to ensure free, high quality education for all regardless of citizens’ financial circumstances or their ability to pay. (p. v)

Table 2.10.1

International Students in Canada by Study Level (2008-2016)

	2008	2009	2010	2011	2012	2013	2014	2015
Total	182,470	202,185	222,790	244,850	274,050	301,530	326,290	351,0
Post-Secondary	115,150	131,500	148,790	169,065	189,905	215,915	238,775	261,8
Secondary or Less	35,200	35,070	35,720	35,815	41,490	45,575	51,115	55,9
Others	32,120	35,615	38,280	39,970	42,655	40,040	36,400	33,2

Source. Canadian International Students by Level, 2016. *The Canadian Magazine of Immigration*. May 15, 2017. <https://canadaimmigrants.com/canada-international-students-by-study-level-2016/>

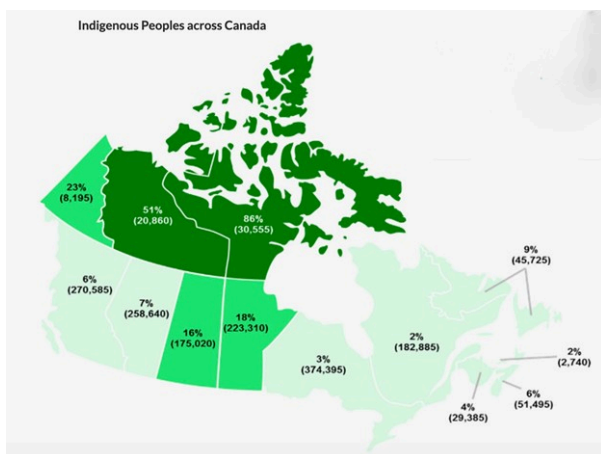
2.II Indigenous Education and The Education of First Nations Students

The provision of education for Indigenous people is a critical issue in Canadian education – one that is very closely related to the broader questions of the purposes of schooling that were raised in Chapter 1, as well as to issues of authority and structure already introduced in this chapter. Legislation typically has incorporated terminology that is outdated or racialized, a point recognized by the Minister of Indigenous Services in the Annual Report to Parliament (2020). For example, the *Canadian Charter of Rights and Freedoms* defines Aboriginal peoples of Canada as including Indian, Inuit, and Métis people of Canada. Although “Aboriginal” and “Indian” remain legal terms, the more appropriate terminology to use is “Indigenous” and “First Nations.”

According to the 2016 Census, the Indigenous population of Canada in 2016 was 1,673,785 or 4.9 per cent of the total Canadian population. According to this survey this population was made up of 977,235 First Nations, 587,545 Métis, and 65,025 Inuit peoples. Among the First Nations population, 820,120, or 83.9% of First Nations people identified themselves as Registered Indians and 157,115, or 16% as Non-Registered (Statistics Canada, 2016). Registered Indians (also called Status Indians) are those individuals who are registered under the *Indian Act*. There are 634 First Nations communities. Figure 2.11.1 provides the population distribution of Indigenous people in Canada. Notably, the proportion of individuals with Indigenous ancestry are found in the territories and prairie provinces of Manitoba and Saskatchewan.

Figure 2.11.1

Distribution of Indigenous Peoples in Canada



Source. Indigenous Services Canada. (2020). Annual Report to Parliament 2020. <https://www.sacisc.gc.ca/eng/1602010609492/1602010631711>

While the funding of education for registered/status Indians on reserves is provided by the federal government, providing education for the children of non-registered/non-status off-reserve Indians and Métis people is normally a provincial responsibility. As this latter population has become increasingly off-reserve, the educational needs of Indigenous students have become increasingly important issues for many school divisions and First Nations communities.

The *Indian Act*, first introduced in 1876 and revised several times since, provides the legal framework that has regulated the federal government's relationship with registered Indians. It has commonly been described as one of the most racist pieces of legislation in the world, and multiple iterations later, continues to include what many claim to be racialized and sexist legislation (Day, 2018). However, because its very presence makes the federal government accountable to its fiduciary responsibility to First Nations peoples, most groups are torn with wanting to abolish the *Indian Act* or maintain, but change it.

Administrative responsibility has resided primarily with the federal Department of Indigenous Services. Sections 114 to 122 of

the *Indian Act* deal specifically with schooling, though a 2019 amendment of the *Indian Act* subsequent to the findings of the Truth and Reconciliation Commission of Canada (2015) repealed sections or subsections related to religious schooling, truant officers (including sanctioned use of force), and forced attendance at school until age 18. Section 114 addresses the question of control over schools. It states:

1. The Governor in Council may authorize the Minister of Indian and Northern Affairs in accordance with this Act to enter into agreements on behalf of Her Majesty for the education in accordance with this Act of Indian children, with:
 - a. the government of a province
 - b. the Commissioner of the Northwest Territories
 - c. the Commissioner of the Yukon Territory
 - (c.1) the Commissioner of Nunavut
 - d. a public or separate school board, and
2. The Minister may, in accordance with this Act, establish, operate and maintain schools for Indian children.

Nowhere in this list of potential purveyors of education is there recognition given to consultation with Indigenous peoples or to the legitimacy of self-determination and self-governance of First Nations education.

Residential Schools

The early history of the implementation of the *Indian Act* saw the federal government enlist the services of the churches to operate schools among Indian communities. Over the years, a number of different institutional forms were experimented with, ranging from

local day schools to residential schools. Residential schools took on different forms in different contexts including industrial schools, boarding schools, student residences, and hostels. A system of residential schools existed across every province and territory except New Brunswick and Prince Edward Island, with close to 130 schools operating at its height (Truth and Reconciliation Commission, 2015). The *Royal Commission on Aboriginal Peoples* (RCAP) (1996) outlined the federal government's rationale for residential schools as follows:

The tragic legacy of residential education began in the late nineteenth century with a three-part vision of education in the service of assimilation. It included, first, a justification for removing children from their communities and disrupting Aboriginal families; second, a precise pedagogy for re-socializing children in the schools; and third, schemes for integrating graduates into the non-Aboriginal world. (p. 337)

Though RCAP (1996) made numerous recommendations related to the damage done by residential schools, this major document remained virtually absent from education discussions. The damage that this school system inflicted on many students and families was well documented in the *Indian Residential Schools Truth and Reconciliation Commission* established in 2008 that culminated in its final report in 2015. The year that the Commission was created coincided with the acknowledgement by Prime Minister Stephen Harper in an official *Statement of Apology to Former Students of Indian Residential Schools* on June 11th, 2008 (<https://www.youtube.com/watch?v=aQjnbK6d3oQ>)

In the 1950s, the federal government began to take direct charge of Indian education and to operate federal schools. Although most residential schools ceased to operate by the mid-1970s, the last residential school, Gordon Indian Residential School, was in operation until 1996 in Punnichy, Saskatchewan. In the 1960s, under a new federal vision of Indian education, there was a movement

toward integrating Indian children into the provincial school systems, either through master tuition agreements between federal and provincial governments (negotiated without First Nations consultation or agreement) or through individual agreements between the federal government and local school boards. Not surprisingly, given the complete separation and racialized interactions between Indigenous and non-Indigenous communities at that time, the integration movement was not popular, nor was it effective. Throughout this period the federal government also continued to operate many of its own schools, and, despite changes in the ways in which federal responsibility for First Nations schooling was carried out prior to the 1970s, the education of First Nations children was sub-standard. The structure and content of residential schools and their curricula were defined and controlled by non-Indigenous peoples with a mandate to assimilate and Christianize Indigenous peoples. Second, the colonial curriculum paid absolutely no attention or respect for Indigenous cultures, languages, histories, and worldviews (in fact, it was designed to “educate the Indian out of the child”). Third, although some individuals have noted appreciation for the education they received, like reading and writing, by far and large, the experience was one of racial discrimination and physical and mental brutality perpetrated on Indigenous children (Truth and Reconciliation Commission, 2015).

Educational Renewal

Since the 1970s, First Nations communities have struggled to change the circumstances imposed on them by the federal government, asserting the importance of an education that reflects their histories, languages, values, and aspirations, and over which they alone exercise control. The National Indian Brotherhood (1972) stated clearly:

If we are to avoid the conflict of values which in the past has led to withdrawal and failure, Indian parents must have control of education with the responsibility for setting goals. What we want for our children can be summarized very briefly: to reinforce their Indian identity; and to provide the training necessary for making a good living in a modern society. We are the best judges of the kind of school programs which can contribute to these goals without causing damage to the child. (p. 3)

The Assembly of First Nations (1988), in a declaration of First Nations jurisdiction over education, restated and re-framed this position within a jurisdictional claim of sovereign self-government by asserting that,

education is one of the most important issues in the struggle for self-government and must contribute towards the objectives of self-government. First Nations governments have the right to exercise their authority in all areas of First Nations education. Until First Nations education institutions are recognized and controlled by First Nations government, no real First Nations education exists. The essential principles are that each First Nation government should make its own decisions and arrangements rather than having them imposed from outside. (Vol. 1, p. 47)

In 1973, the federal government stated that it was prepared to accept the principle of local control. Important steps toward that end were taken, though true sovereignty and self-determination remain unrecognized (Assembly of First Nations 2010; Auditor General of Canada, 2011; Canada, 2011). Much remains to be done to create a holistic and lifelong education relevant to the contemporary needs and aspirations of First Nations peoples. Key priorities identified in these reports include: addressing the recognized federal under-funding of First Nations school systems; developing and funding new arrangements for providing secondary

and tertiary level services provided in provincial schools at the school board or provincial levels (e.g. consultants, psychologists, curriculum developers); developing and funding improved Indigenous language programs; improved teacher preparation and professional development opportunities for First Nations teachers and administrators.

In 2014, the Minister of Aboriginal Affairs and Northern Development (the precursor to Indigenous Services Canada) introduced Bill C-33, the *First Nations Control of First Nations Education Act* that was an attempt to create stability in the funding and operation of First Nations schools. The proposed bill was intended to address education outcomes for First Nations children on reserve by reforming the elementary and secondary education system. Although there had been agreement between the Assembly of First Nations and federal government on the general principles underlying the bill, it did not pass the second reading. Many First Nations chiefs claimed that the proposed Bill C-33 granted too much authority to the government that undermined First Nations sovereignty and self-determination, that it did not protect treaty rights, and that it did not offer enough resources to effectively make the necessary changes. Members of federal opposition parties also resisted the bill. In the end, Bill C-33 was put “on hold” with little agreement on how to craft legislation that could meet the needs of all 634 First Nations across the territories of Canada.

Today, approximately 60 percent of registered Indian students attend band-controlled or First Nations schools; a large majority of the remainder attend provincially operated schools. A few federal government schools continue to exist, and private schools also play a role in the education of registered Indian students, as shown in Table 2.11.1.

Table 2.11.1
First Nations Kindergarten – Grade 12 Education: Student Enrolment by Type of School

Type of School	British Columbia	Alberta	Saskatchewan	Manitoba	Ontario	Quebec	Atlantic Provinces
First Nation operated schools	4,639	9,752	15,834	15,143	12,884	6,230	1,661
Provincial schools	7,143	6,838	3,556	5,693	5,915	1,597	1,536
Private/Independent schools	725	243	28	189	525	344	44
Federal schools	–	70	–	–	1,398	–	–
Total Full, Time Equivalent Students	12,472	16,902	19,418	21,024	20,722	8,171	3,240

Note. Figures may not add up due to rounding. FTE counts do not include students under self-government agreements.

Source. Indigenous Services Canada. (2017). *Kindergarten to Grade 12 operating expenditures 2016–2017 overview*. ISC. <https://www.sac-isc.gc.ca/eng/1349140116208/1531315346681>

No single blueprint for Indigenous self-government in education exists; indeed, a central principle of self-government is that local communities and individual First Nations should be free to develop their own plans without outside interference. Offering a model of how First Nations' jurisdiction in education might develop into a national educational network, *The Report of the Royal Commission on Aboriginal Peoples* (1996, vol. 3, pp. 563–65) laid out a proposal for a four-tiered system that would involve local community, individual First Nations, multi-nation organizations, and Canada-wide networks collaborating to provide a comprehensive Indigenous education system.

Across Canada there has been innovation at the local and provincial levels. In February 1997, an agreement between the federal government, the provincial government of Nova Scotia, and the Mi'kmaq Chiefs of Nova Scotia provided the first agreement in Canada to transfer jurisdiction for education from the federal

government to First Nations communities. In Manitoba and Saskatchewan, some First Nations communities have partnered with provincial school divisions to access services or administrative support. In 2016, the federal government signed an agreement with the Manitoba First Nations Education Resource Centre for the creation of the Manitoba First Nations School System (MFNSS). The model provided provincial comparable funding, salaries, technology and services for nine First Nations and 11 schools enrolling 2200 students, with the incentive that more First Nations could opt in as the system evolved. In Saskatchewan, Tribal Councils, Education Councils, and Education Alliances have developed where First Nations communities enter into agreements to pool resources to provide services. In essence, these agreements create partnerships that facilitate the economies of scale necessary to offer consistent and relevant educational programming, services and administration whereby Indigenous people are self-determining what education “looks like” for their children. Each of these alliances tend to be fluid and therefore somewhat precarious given that each First Nations considers itself an independent sovereign nation that needs to be able to serve its community interests. There remains a perennial tension between entering into agreements for the purposes of resourcing the immediate educational needs of children, versus the potential to lose the fight for the recognition of sovereignty as distinct independent First Nations. However, as members learn how to craft agreements that recognize sovereignty and the need to self-determine within the terms of reference of the partnership, more of these agreements are being built that will help serve the educational needs of children in First Nations communities.

2.12 Federal Collaboration in Provincial Schooling

In addition to those areas directly responsible for the delivery of educational services, the federal government plays a role in representing what it sees as the national interest in the provincial educational arena. Such initiatives have taken many forms, but the common element is the provision of federal funds in their support. During the 1970s and 1980s, the Canada Studies Program, administered by the Department of the Secretary of State, represented such an initiative. In response to concerns expressed about students' ignorance of their own country, this program saw considerable resources allocated to the production and implementation of elementary and high-school curriculum materials. Similarly, the Secretary of State continues to provide the Official Languages in Education Program, which is directed toward educating official minority language students in their mother tongue and toward promoting bilingualism. In this program, the federal government enters into bilateral agreements with the various provinces to provide money in support of minority language programs, including immersion ones. Federal funds have played a major role in expanding immersion and protecting other minority language education opportunities.

Vocational and technical training is another area in which the federal government has a long history of collaboration and conflict with the provinces. Federal activity in this area, justified by the federal government's responsibility for national economic development, began in the first decades of the twentieth century. In the 1960s, the federal government provided, through the *Technical and Vocational Assistance Act* (1960), funds for building technical and vocational high schools and departments in existing high schools. The federal government's concern with producing a better-trained

Canadian labour force continued into the 1980s and 1990s. Its 1990 Stay-in-School initiative was designed to combat high-school dropout rates. In announcing this program, the government press release noted that, “while education is a provincial responsibility, it is one of the federal government’s main responsibilities to establish national labour market policies and programs Ensuring that young people are prepared for the transition from school to the workforce is a shared responsibility” (Canada, 1990). A recent federal initiative has been to support schools across the country accessing the Internet through the development of SchoolNet <www.schoolnet.ca>.

2.13 National Organizations

Canada has a number of organizations that are involved with education at the national level. The provinces, worried about growing federal involvement in education, created in 1967 the Council of Ministers of Education, Canada (CMEC). CMEC is made up of all the provincial ministers of education and higher or postsecondary education (a number that can be as high as twenty depending on whether these two areas are the responsibility of one or two ministers in each province). The council usually acts only when all of the ministers agree, and this does not happen often on matters of import. Thus, the organization has, for most of its history, had only limited impact on Canadian education. CMEC has also developed a set of pan-Canadian achievement tests to measure Canadian students' learning in different curriculum areas as part of the School Achievement Indicators Program. These tests have been administered regularly in different subject areas to a random sample of 13- and 16-year-old students across Canada (Statistics Canada and Council of Ministers of Education, Canada, 1999) and provide an example of pan-Canadian activity by the Council of Ministers of Education.

Another long-standing national educational organization is the Canadian Education Association (CEA), now more than 100 years old, which is made up of both individual members and organizations such as provincial governments, universities, and school districts. CEA attempts to be a nonpartisan information exchange, promoting discussion of educational issues.

Each of the major interest groups in Canada also has a national organization to lobby on its behalf. The Canadian Teachers' Federation (CTF) represents English-speaking Canadian teachers. The Canadian School Boards' Association includes school districts across Canada. The Canadian Association of School Administrators (CASA) has a membership primarily of school superintendents, while

the Canadian Association of Principals (CAP) is the umbrella group for school principals. None of these organizations, however, plays a very important role in shaping provincial or national policy in education.

2.14 Conclusion

Education's "structure" consists of those more permanent sets of relationships of power that are formalized through laws, regulations, and policies, and that regulate the day-to-day operation of schools and school systems. While there is much that is relatively unchanging in these structures (as was suggested in our examination of the educational debates in Upper Canada in the mid-nineteenth century), there is also much that continues to change. Provincial government reforms, the contemporary struggle for Indigenous self-government, challenges over minority language rights, and the implications of economic globalization are each likely to require that we develop new relationships to meet the educational needs of a changing world. That these structures are neither necessarily permanent nor necessarily right, but rather a reflection of a particular set of interests expressed at a particular point in time, requires that we understand what those interests are. A central concern of this chapter was examining who exercises the power that defines the form of public schooling, and how this power is regulated and legitimated. What is clear in both a historical and contemporary context is that the "public" to whom public schools were held accountable has been a particularly exclusive group. It is to this question of the struggle for power – the politics of public schooling – that we turn in Chapter 3.

Exercises

1. The prologue to this chapter outlined some of the complexities of both school board decision making and Indigenous education in Canada. In the prologue, Norman has to decide what to say and how to vote in an upcoming board meeting. Based on the information in this chapter, identify what you consider to be the essential issues in the case study and prepare a presentation for Norman that details what you think the board should be doing, and why.
2. This chapter has described Canada's public school system as being centralized at the provincial level. Find out more about the educational system of a country that is either more centralized (for example France or Korea) or decentralized (for example the Netherlands or the US), and use your findings to discuss the advantages and disadvantages of a centralized system.
3. Have school boards outlived their usefulness and should they be abolished? Write an argument either defending or critiquing their importance to public schooling.
4. Does your province recognize separate (religious) schools? If so in what ways? Trace the origins of separate schools (or lack of them) in your jurisdiction.
5. Find out who the minister of education is in your province. What is this person's background? What policy positions or issues are they presently tackling? (You may want to undertake this assignment by contacting the

minister's office, in which case part of your study could be what sort of response you get, from whom, and when.)

6. Interview a trustee from your local school board. Ask them about what the board does, what the role of the trustee is, how he or she came to the position, and what issues are of major concern.

7. Assume that your school board/region is opening a new school next year. It is hoped that the school will be a model of school-community collaboration. Prepare a plan for community involvement that would include deciding (1) who constitutes "the community" (parents, students, residents, businesses, and so forth); (2) which areas of school life the community would and would not be involved in; (3) what you mean by "collaboration"; and (4) how you would regulate collaboration.

8. Examine the history and purposes of residential schools in Canada with the meanings of "education" and the "purposes of schools" discussed earlier in Chapter 1 of this book.

9. With few exceptions, the student voice is accorded little formal place in Canadian school governance. As yet, students are not generally included in the concept of "the public" to which schools are accountable. Suggest ways in which students could be given a greater part in the administration of their school systems.

10. Canada is one of the few countries in the world without a federal government ministry or department of education. Is this appropriate? Why or why not? What arrangements might be most suitable for the federal role in education?

CHAPTER THREE: POLICY AND POLITICS

3.1 Prologue

Linda Chartrand was already quite concerned when the meeting began, and what followed did not make her feel any better. There were 10 of them, meeting in the large and rather formal committee room in the school board office. Nobody was feeling very cheerful.

Superintendent Ron Brandt began by reviewing the situation. “As you know, a number of parents in this school district have objected to the use of *The Handmaid’s Tale* by Margaret Atwood in our high-school English literature program. They have appeared as a delegation before the school board asking—no, I’d better say demanding—that we remove the book from our program because they claim it is both obscene and blasphemous. While I’m sure none of us here shares that view, we do have to take their opinion seriously. They have certainly indicated that they won’t accept no for an answer; if we don’t respond, they’ll continue to fight the issue, perhaps running candidates in the school board elections next fall.

“We’ve gathered here the chair of the school board, myself, the two high-school principals, the English department heads, and teachers from the district’s language arts curriculum committee to decide what to do. I’d appreciate your comments. Mr. Pershanti, as chair of the board, would you like to begin?”

“Thank you, Ron,” said Arvin Pershanti. “The board finds itself in a very awkward situation here. We believe that *The Handmaid’s Tale* is a perfectly legitimate book to teach in

high school. It's approved by the provincial Department of Education. It was selected by our teacher curriculum committee. We've been teaching it for several years with no problems. But now we definitely have a problem. "The trustees are wondering if we might consider temporarily taking the book off the program, at least for a year or two, until the fuss dies down."

Seta Bolissian, one of the teachers present, burst out, "How can you say that? Are we going to knuckle under to a small group of conservative naysayers? What about our academic freedom as teachers? What about what's best for our students? What about the vast majority of parents who are quite happy with the curriculum? Surely there are some principles at stake here."

"Well," said Lou Bryan, one of the principals, "points of principle are all very well, but we also have a practical problem. This may be a small group of people, but they can sure cause a big set of problems for us. We've got a good atmosphere of cooperation in this district. If we let this issue get out of hand, all of that could turn into conflict, distrust, and mutual recrimination. I ask myself if one novel, however good it might be, is worth all of that. And I come to the conclusion that the board's strategy is a good one. They're not asking us to give up our principles, only to exercise some discretion for a little while. It seems like a good solution to me."

Linda reflected that this was hardly surprising. Lou Bryan, who had been her principal a few years ago, was well known in the district for agreeing wholeheartedly with whatever the board or the superintendent wanted.

Now Larry Tucci, the other principal, was speaking.

“Can’t we make this the province’s issue somehow? After all, *The Handmaid’s Tale* is on their list of approved books. Couldn’t we dump the issue into the lap of the minister of education?”

“I’ve thought of that,” said Ron Brandt. “I spoke with the provincial director of curriculum earlier today. He said that he thought the minister, if the question came to her, would say it was up to the school board. After all, we aren’t required to use that book; it’s just one on the list from which we select. And the minister would likely point out that decisions about community standards belong to local school boards. She might even say that she would never want to interfere with the autonomy of the board in making these choices. I don’t think that strategy will work, I’m sorry to say.”

“We can’t just think about this instance, either.” Department Head of English Joan Gold now had the floor. “If we give in this time, we will be encouraging other groups to make similar demands. We need to think of a way to deal with these sorts of issues so as to try to reach some solution that everyone can live with. I believe that decisions about curricular materials should be made by teachers – that is our professional right and responsibility. But we do need a process in which people who are unhappy can raise their concerns and have them heard without it turning into a game of political hardball.”

“Joan is right,” Linda broke in. “Let’s remember that 20 or 30 years ago our schools were full of books that portrayed Indigenous people as savages and women only as housewives. People who complained about those things were probably thought about just the same way we’re talking about this group—as crackpots or extremists. I don’t

want *The Handmaid's Tale* removed from the curriculum, and certainly not because someone demands it and issues threats. But we do need to make a serious effort to hear what their concerns are, and to try to respond to them in some way. I can't believe that we couldn't reach an acceptable compromise if we tried to debate the matter with some understanding."

"I like what you're saying," said Ed Safniuk, another teacher. "There are many kids in my class from cultures that have quite different values, and many of their parents have problems with books like this. I think we need to broaden the issue to ask what literature best serves our students' needs. That is something we can discuss with parents and students, rather than making this a power struggle."

"You're naïve, Linda, and you too, Ed," said Larry Tucci. "These people don't want a serious dialogue. They're determined to have their way, no matter what. I'd like to see the board tell them to drop dead, but I can understand why the trustees may not want to do so, and I'm prepared to live with the solution Mr. Pershanti put forward."

Although some educators might deplore it, politics pervade almost every aspect of education. Provincial governments develop and legislate, or put into policy, major changes in many aspects of schooling, including governance, testing, curriculum, and teacher training. Parents are more involved and vigorous in expressing their views than ever before. Many external groups, such as business or community organizations, are also actively involved in political issues around education. Schools are often a subject of political

debate and media coverage. Expectations for schools are increasing and diversifying, with the result that everyone in the school system—teachers, principals, school boards, and provincial governments—is under more political pressure.

Understanding the dynamics of education politics is fundamental to understanding the nature of public education in Canada. This chapter focuses on the following questions of policy and politics in education:

1. What do we mean by policy, and why are policy questions important in education?
2. How do political processes operate to establish policies?
3. What are some of the dilemmas or tensions inherent in the politics of Canadian education?
4. What are some of the central questions that can be used to analyse and understand political and policy debates?
5. How do these questions help us to understand the politics of education at the provincial, school board, and school levels?

3.2 Education Policy

The world of teaching and learning in schools is greatly affected by a wide range of policies. Knill and Tosun (2012) suggest that a public policy may be defined as “a course of action (or non-action) taken by a government or legislature with regard to a particular issue” (p. 4). Rizvi and Lingard (2010) expand on this suggesting that a public policy indicates a position and course of action to be followed by the state and its different institutions (such as school boards) that share “the basic characteristics of collective authority” (p. 4). The term policy is usually defined as a general guideline that shapes decisions or actions. Some people think of policies as rules, but for purposes of this chapter, policy is defined as a general approach intended to mandate or guide behaviour. In everyday life we tend most often to think of policies as “official documents” or “texts” that can be analysed by considering their origins, development, and effects. This is the approach taken up later in the chapter. However, a number of scholars have sought to extend this perspective by suggesting the need to understand policy as “discourse” as well as “text” (Ball, 2006). From this perspective, policies have to be understood within a broad set of political and economic contexts that frame – not always visibly – the parameters within which acceptable/ “sensible” definitions of policy problems and solutions can be constructed. As Ball argues, “policy discourses ... produce frameworks of sense and obviousness with which policy is thought, talked and written about. Policy texts are set within these frameworks which constrain but never determine all of the possibilities for action” (p. 44).

Policies shape the structure of schools, the resources available, the curriculum, the teaching staff, and, to a considerable extent, the round of daily activities. Policies determine how much money is spent, by whom and on what, how teachers are paid, how students are evaluated, and most other aspects of schools as we know them.

The impact of policies can be illustrated by listing just a few areas of education policy. Some important policy areas such as school board consolidation, language policy, and Indigenous education have been discussed in earlier chapters.

What is taught is affected by provincial, school district and school curriculum policies, all of which, taken together, determine what is on the curriculum, how much of the content is prescribed, which courses will actually be taught, what textbooks can be used, and how much flexibility teachers have to alter curricula. For instance, how much time and attention will be given to art and music as opposed to language? How much attention will be given to labour history or women's roles throughout history? How much will be taught about the environment? In high schools, how many courses at which levels will be offered in a school or district?

Who can teach is determined by policies on teacher training and certification, and on teacher evaluation. What is required to obtain a teaching certificate? What positions if any will require specialist qualifications? How do we recognize teachers' credentials from other provinces and countries?

How students are treated is affected by school and district policies on equity and inclusion, discipline, attendance, student activities, student evaluation practices, grading, failure, and so on. When can students be suspended? How will grades be assigned, and will they be numbers or letters?

How teaching occurs is affected by policies on timetabling, teacher workloads, class sizes, assignment of students to classes, online teaching, the availability of supplementary materials and equipment, access to field trips, and so on. How much room do teachers have to teach in ways different from colleagues? Which classes are larger or smaller? Is inquiry learning supported?

How schools operate is affected by policies that deal with the provision of classrooms, libraries, gymnasias, laboratories, music rooms, parent/cultural spaces, and other areas, as well as around transportation of students. Will all elementary schools have libraries? Where will practical and applied arts facilities be placed?

Will older inner-city schools have the same facilities as new suburban schools? What transportation services will be provided?

Where teaching occurs is affected by provincial policies on construction of schools, and by district policies on the allocation of programs and resources. For example, will small or low enrolment schools remain open, or will grades be shifted from one building to another? Will high-school students be placed in different courses (“tracked”) by their achievement and ability? Will language programs be housed in specialized schools or areas? Where does land-based learning occur vis-à-vis the school building?

3.3 The Influence of Politics and Power

Important policy decisions, whether they occur in education or in other fields, are made through political processes. Although there are many definitions of the term politics, one of the most frequently cited and enduring is that politics determines “who gets what, when, how” (Laswell, 1950). In other words, politics is the process used by a society (or an organization within a society) to determine how to distribute power, wealth, opportunity, status, and other social goods. Education politics concerns the determination of what will be taught, where, by whom, how, to whom, and under what circumstances.

Politics also involves questions of choice, although opinions about what choices are to be made will often differ. This means that politics is centrally affected by questions of power. Since not everyone can have what they want, the question is, who does get what they want and who does not? Political philosopher Glenn Tinder describes a political system as “a set of arrangements by which some people dominate others” (2003, p. 162). In Canada, the rhetoric is that everyone is equal, but political influence in our country is highly unequal, and those who have the least wealth and status tend also to have the least influence on political decision-making.

Every education policy decision can be seen as being, in some sense, a political decision. However, this does not mean that every educational issue will be the subject of intense public discussion and political lobbying. Indeed, most policy decisions in education are made with little or no public attention. Ministries of education, school boards, schools, and teachers are constantly making policy decisions without public input or concern. Sometimes these decisions are controversial within the organization itself—the

department of education, the school district, or the school—and sometimes not. But even if they are not controversial education policy decisions, because they involve questions of public choice and concern, are essentially political in nature.

Many people think of politics as the formal process of elections, political parties, and the actions of governments—the things we see on the national news or read about in the newspaper or hear about on the internet. This is an important part of education politics. But as was pointed out in Chapter 2, each level of the system has particular responsibilities and can make policy decisions within these responsibilities. There is a great deal of political activity at the federal and provincial level, as well as in school districts, not only by the elected bodies themselves but also by all of those trying to influence the direction of policy. Some of the most basic policies are cast into provincial legislation, giving them legal force, and making them difficult to change. For example, compulsory school attendance is a policy that has been made into law in all Canadian provinces. Additionally, provincial Cabinets and ministers of education may issue policy statements that are supported by varying degrees of legal force – for example new policies on anti-bullying. School boards may pass motions setting out various policies within their areas of jurisdiction, such as deciding which programs will be offered in which schools or how principals will be appointed.

Politics as defined in this book includes these activities, but also extends to the actions and attitudes of every member of society. Every time an individual or group tries either to change or maintain the existing order, politics is involved; this process is part of the fabric of democracy. A school principal or staff member makes policy decisions in areas such as student discipline, teaching methods, or student evaluation. Individual teachers make many decisions about the nature of their teaching, such as how students should behave, what sort of instruction will be provided, or what kinds of assignments will be given. All of these can be seen as policy decisions in that they shape the actions of people in schools, even

though they may apply to only a few students, or may be made informally by individual teachers.

Politics, broadly conceived, may be defined as the way each of us, whether individually or working with others, tries to make the kind of school, community, or society that we want to have. Thus, political processes occur continuously in groups and organizations at all levels. The actions of a group of parents in urging a new program in their school, or of a group of students wanting a change in discipline policies, or of an Indigenous group wanting more influence in a school their children attend are all political actions in the realm of education.

3.4 Central Dilemmas in Canadian Education

Several ongoing tensions or dilemmas characterize Canadian education politics.

Centralization versus decentralization has to do with where authority over educational decisions will be located. Will it be at the local level—the school or school district—or will provincial governments take on a greater degree of control? Should curricula be set locally or provincially? Should students be evaluated within the school or through provincial examinations? Should schools be able to hire whomever they want as teachers, or must all teachers meet certain provincial requirements?

Professional authority versus lay authority deals with the amount of control over schooling exercised by teachers and administrators as opposed to parents and community members. Examples of this tension include debates over the degree of freedom teachers should have to control their own subject matter and teaching style, over whether hiring decisions should be made by school boards or by superintendents and principals, over whether parents should have a role in evaluating school programs, and so on.

The tensions between *uniformity and diversity* concern whether the school system will be standard in its operation across communities, regions, and even provinces, or whether schools will vary across settings because the Canadian population is so diverse. Historically, *language and religion* have been particularly prominent aspects of the struggle over diversity. Some of the most vociferous debates in Canadian education continue to revolve around the issue of how and to what degree we as a society are prepared to accommodate a diversity of linguistic and religious views. The varying arrangements across Canada in regard to religion and language show how differently these questions have been answered

depending on circumstances. And Canadians still face many unresolved issues concerning diversity. Do we provide separate ethnic schools in our cities? Do we teach primary level students whose first language is not English in their mother tongue? Do we produce textbooks and teaching materials in languages such as Italian, Hindi, and Chinese as well as French, English, Inuktitut, and Cree? What does it mean to provide equal opportunities in schools for girls and women in areas such as science and technology? How do we safeguard the rights of minority groups while seeking to maintain essential elements of a common curriculum?

These tensions run through many aspects of educational policymaking and politics, as will be illustrated in the remainder of this chapter.

3.5 Elements of Political Analysis

Within the broad sphere of political activity in education, there are many differences in how particular issues are handled. Some are the subject of legislation, others of informal bargaining. Some are written down for all to see, while others are dealt with through implicit agreements. Some issues come to a clear resolution, while others linger on indefinitely. In all cases, we can achieve a better understanding of any particular political issue by considering the following five general aspects:

1. What is the issue and how is it being defined? (*Issues*)
2. Who is involved in making the decision? (*Actors*)
3. Through what decision-making process will a decision be made? (*Processes*)
4. What factors might influence the decision? (*Influences*)
5. What are the outcomes of a political process? (*Results*)

Although we will consider each of these aspects separately, it is important to realize that all five operate simultaneously and are intimately connected with one another.

3.6 What is the Issue?

Because politics centres on conflict, a policy or political issue will be seen differently by different people. Political debate has as much to do with determining what the exact question is – ‘framing the question’ – as it does with providing an answer. Consider the decision by a provincial government to support provincial testing. This decision might be seen by various groups of people as: (1) an issue of maintaining or improving standards of achievement; (2) a way of controlling teachers; (3) an unwelcome distraction from attempts to meet the varying needs of students; or (4) a waste of money and a public-relations ploy.

A school board’s decision to recruit more female administrators could be seen by some as a long-overdue attempt to redress biases in our hiring practices, and by others as an inappropriate challenge to a merit principle in hiring. A board policy that encourages local fundraising efforts might be promoted as a creative way of generating resources for improved programming, but others might see it as privileging wealthier school communities and leading to inequities. A decision in a high school to “get tough on absenteeism” could be regarded as a way of improving standards, or as a way of pushing already marginalized students into leaving the school.

Understandings of policy issues also are not fixed. Our sense of any given issue is likely to change over time as events unfold and as we learn more about a particular matter. Sometimes these shifts take place over a relatively short time. A school board wishing to close a school may begin by seeing the issue as one of saving money. By listening to others and thinking about it themselves, they may come to see that the issue for parents is one of preserving a community and of maintaining a certain quality of education. Keeping a school open may be seen as a matter of equity by some. The board might then shift its own definition of the issue away from financial matters to a broader concern with educational questions.

Sometimes the shifts are much slower; it took many years to shift ideas and policies to support the inclusion of students with exceptionalities into schools. Indeed, when we examine the historical record and see how sure people were about the rightness of policies we now see as completely misguided, we should be less sanguine about our current practices and keep in mind that years from now these too may well be seen as erroneous and unproductive. At the same time, we do not have the benefit of hindsight, and at any given moment people must act on the best information and judgment available, no matter how imperfect it might be.

The Struggle to Define Issues

Politics necessarily involves disagreement and debate. Many people are uncomfortable about conflict, especially when it involves education and our strongly held belief that we should “do what is best for the children.” But there is disagreement about what is best for the children. Indeed, if there were no differences of opinion, there would be no issue in the first place. The danger is that when opinions vary, those who have the power will simply impose their will. Democratic practice requires something more than this, since it is based on the idea of consent of the governed. The ideal is to have political decisions made through a process of open and fair public debate. However, this is much easier said than done.

In many cases, people have neither the time nor the interest to develop an in-depth understanding of a given policy issue. There are simply too many issues to consider for one to become an expert, even if one really wanted to. To understand most issues, the majority of people rely on information that comes to them through their own experience, through their contacts with other people, and, in the case of larger-scale issues, through the media, particularly sources on the internet. A critical question about any

policy issue, then, is who is framing the agenda and shaping the way in which people think about the issue. During any political debate, the various parties are making efforts to change how people think about the issues in order to build support for their particular point of view. Political debate is largely an attempt to persuade people to see issues in a particular way.

Evidence and Argument

Two important vehicles for persuading people are evidence and argument. Although the two are distinct, they are also very much intertwined. Political decisions cannot simply be determined through an appeal to facts, but neither should they be reduced to questions of who has how much power; rather, a combination of evidence, argument, reason, and persuasion are all essential to a strong democratic political process.

In part, policy decisions about education are matters of evidence. Instrumentally, we seek to know which course of action is most likely to allow us to attain our objectives. Research may play an important role in shaping policy because it provides evidence about the results of various policies. Our experiences also provide evidence and shape our thinking about what policies are most desirable. For example, there is generally less use of punishment, and particularly physical punishment, in schools than there used to be. This is partly because both research and the experience of teachers indicated that punishment was not very effective in fostering appropriate behaviour by students. Instead, studies showed that positive reinforcement was often a much more successful technique of behaviour management. As teachers began to see that their experience corroborated the research, their behaviour gradually changed and so did policy.

Research has had a checkered influence on education, in Canada and elsewhere. In general education, policies and practices appear

to rest more on history and intuition than on a foundation of empirical research (Levin, 2011). Many educators have seen research as largely irrelevant to their everyday work, and researchers have not always put enough emphasis on communicating their work to those who might use it, preferring to write mainly for academic colleagues. The entire education research enterprise in Canada has been very small. Neither federal or provincial governments have put very much money into education research, especially compared with the research effort in related fields such as health or training.

However, this situation is starting to change. Greater attention is now being given to notions of “evidence-based” or “evidence-informed” education policy-making and practice, in Canada as well as elsewhere (Broucker & Sweetman, 2002; Nelson & Campbell, 2017). The knowledge base about effective educational policy and practice is growing. Provincial policy documents are increasingly (though certainly not always) linked with research findings. Teachers and school administrators are increasingly well informed about research and increasingly interested both in learning more about research and in conducting their own research in their own schools and classrooms. Governments have also become more interested in both supporting and using education research as the whole idea of evidence-based decision making grows in importance (Cooper et al., 2009; Ontario Ministry of Education, 2021). The growing attention to early childhood education is a good example of a field in which research has driven substantial changes in policy.

But evidence is rarely, if ever, a neutral matter that concerns the discovery of some objective truth. Values and personal predispositions may also shape what we see and accept as being relevant evidence. Normally, the parties to a political debate will try to produce various kinds of evidence supporting their views. A minister who favours provincial examinations might provide data showing that achievement levels in universities are not increasing, or data from opinion polls showing that many people favour such exams. Teachers opposing the policy would then bring forward evidence showing that greater emphasis on testing changes

instruction by obliging it to focus more on the narrow set of issues to be tested.

Within Canada there are also a number of different public policy research and advocacy institutes that seek to inform and influence education policy. Some, such as *The Fraser Institute* and *The Canadian Centre for Policy Alternatives* have an interest in a broad range of national social, economic, and environmental issues while others such as *People for Education* are more narrowly focused on public schooling in a single province, Ontario (See Table 3.6.1). These organizations make a valuable contribution to Canadian education policy debates, but each also brings to the debate its own values and priorities through the issues they select to focus on and the research that they conduct.

Table 3.6.1
Canadian Public Policy “Think Tanks”

Institution	Mandate	Selected Educational Publications
Canadian Centre for Policy Alternatives	<p>The Canadian Centre for Policy Alternatives is an independent, non-partisan research institute concerned with issues of social, economic and environmental justice. Founded in 1980, the CCPA is one of Canada's leading progressive voices in public policy debates.</p> <p>https://www.policyalternatives.ca/offices</p>	<p><i>Our Schools/Our Selves</i>. An education journal that explores the critical intersections of education and democracy, identity, labour, and a range of social justice issues.</p>
The Fraser Institute	<p>The mission of The Fraser Institute is to improve the quality of life for Canadians, their families, and future generations by studying, measuring, and broadly communicating the effects of government policies, entrepreneurship, and choice on their well-being.</p> <p>https://www.fraserinstitute.org/about</p>	<p>Fraser Institute School Rankings. https://www.fraserinstitute.org/school-performance</p> <p>Education Spending in Public Schools in Canada, 2021 edition. https://www.fraserinstitute.org/studies/education</p>
The C.D. Howe Institute	<p>The C.D. Howe Institute is a registered charity, and an independent not-for-profit research institute whose mission is to raise living standards by fostering economically sound public policies.</p> <p>https://www.cdhowe.org/objectives</p>	<p>Student Performance on PISA 2018: Nettlesome Questions for Canada.</p> <p>https://www.cdhowe.org/sites/default/files/attachments/research_papers/mixed/Commentary_576.pdf</p>
People for Education	<p>People for Education is independent, non-partisan, and fuelled by a belief in the power and promise of public education. We create evidence, instigate dialogue, and build links so that people can see – and act on – the connection between public education and a fair and prosperous society.</p> <p>https://peopleforeducation.ca</p>	<p>Ontario Principals' Challenges and Well-being: The 2020-2021 Annual Ontario School Survey Report.</p> <p>Canadian Rights to Education Framework: Creating a tool to measure progress on children's access to quality education.</p>

Argument, on the other hand, has to do with giving people reasons for believing something. Reasons may or may not rest on evidence. Arguments often rest on moral claims about what is worthwhile or important or right. For example, an argument about the importance of strengthening competition in our schools is really an appeal to see the world in a particular way, and therefore to take certain kinds of actions. Given this overall view, it may be argued that rigorous monitoring of student attendance shapes the kinds of attitudes necessary to succeed in the work force. Argument, then, is more ideological in its origins, since it is based on a view of what constitutes a desirable world; but argument and evidence are closely linked in that beliefs affect our view of evidence, and evidence, in turn, may alter our beliefs.

People also use argument to clarify their own beliefs about an issue. We may learn more about what we really think as we try to advance arguments for our view that will convince others as well as ourselves. The requirement to convince others means that arguments cannot appeal only to selfish motivations but must also be couched in terms of the public good (e.g., fairness or justice). Actions are not seen as legitimate unless they can be defended in these terms.

Emotion often plays an important role in policy debates, especially when an issue speaks to deeply held beliefs or interests, such as the welfare of our children. There may be angry meetings, protests, and even violence. Conflict can be frightening because it tests the bonds of our society and our willingness to live with one another. When carried too far, conflict can produce terrible results. But conflict can also play a creative role in society. If people feel they have a real say in the society in which they live, they may be more willing to accept that others must also have a say and that compromises must be made. Out of disputes about ideas can come better ideas. Out of disagreement can come constructive compromise. There can be no democracy without the willingness to engage in political conflict.

In short, there is no one set of rules or rational procedures that can be applied to determine all political choices. These must simply be worked out through various political means. There are, however, criteria that can be applied to determine whether the process of political debate is fair. Judgments can be made both about the evidence being presented and the arguments being advanced. Is information about the issue widely available, or is it hidden from view? Does evidence come from reliable sources? Are all the available data being presented, rather than just those that support a particular point of view? Are divergent opinions all given a reasonable hearing, or do some parties control the debate? Do the various parties have a reasonable ability to make their views known? Is the debate cast in terms that invite reflection on the various positions, and dialogue among them, or is it cast in emotional terms that detract from thoughtful discussion? In applying these questions, we can make a decision as to whether a political debate meets the test of democratic values.

3.7 Who Will Be Involved?

How an issue is defined is related to who is providing the definition. Because education is important to the well-being of our entire society, everyone has some stake in what our schools do and how they do it. This means that education policy is important not only to governments, students, and teachers but also to parents and society as a whole. The politics of Canadian education involves a large number of different actors. Some, like provincial departments of education, play roles that are quite well defined, while others, such as parent groups or business lobbies, have more diffuse roles. These various groups, collectively, are often referred to as constituting a “policy community” which Pal (2014) defines as: “groupings of government agencies, pressure groups, media people, and individuals, including academics, who, for various reasons, have an interest in a particular policy field and attempt to influence it” (p. 235).

Who Participates?

Let us begin with the formal players who generally play a dominant role in the Canadian education policy community. In Chapter 2, we examined the basic structure underlying the provision of public education in Canada. All three levels of government—federal, provincial, and local—are involved in education. Each level has its powers and responsibilities. However, there are often conflicts between the levels of government over particular issues, as we shall see shortly. Beyond governments, an enormous variety of groups play an active role in educational politics and policy. Some of these groups are involved more or less constantly, while others may be involved only in some issues.

One set of groups represents the key participants in the educational system, often referred to as internal stakeholders. In each province, there are associations of teachers, school trustees, and school administrators (usually different associations for school principals and for school district superintendents). Sometimes there may be several distinct associations for these groups, as in Ontario, where the public, Catholic, and two francophone school systems each have organizations of school boards, teachers, and administrators. In most provinces these stakeholder groups are very influential in setting education policies. Support-staff, such as secretaries, bus drivers, and maintenance and caretaking personnel are unionized in many parts of the country. Their unions may also play an active role, but in most provinces the associations of teachers, trustees, and administrators have been predominant.

In most cases in Canada, ministries of education discuss important policy issues in advance with these latter groups before changes are implemented, leading to a highly consultative policy process (Manzer, 1994). However, as education has attracted growing political attention, provincial governments have been more attentive to other stakeholders, especially parents and community groups. As a result, some policy decisions may be made with less advance consultation with internal stakeholders. Sometimes public consultation processes such as commissions or white papers have been used instead. However, the main stakeholder groups still expect and mostly do have a significant influence on policy.

The role of parent and community groups has also changed. Not long-ago parents had a voice only when they organized themselves and demanded to be heard; school boards were seen to represent the public on most issues. However, in the last two decades all provinces have institutionalized school committees that include parents, and sometimes non-parent community members. In many cases these bodies do not exercise very much influence, but their creation does mark a growing recognition of the political role of these players.

Correspondingly, a number of permanent groups have been

formed to represent parents on key issues. For example, *Canadian Parents for French*, an organization committed to the strengthening of French immersion programs, has had a strong impact on this issue in many provinces. The *Association for Children with Learning Disabilities* is one among many groups that play an important role in the development of policy in special education, and is a powerful lobby group in many areas. As parents have become more vocal and better organized, the number and importance of such groups have increased. School boards can no longer claim that they represent public opinion without additional steps to involve other people.

Rarely given an explicit role in education politics or policy are the students themselves. Since students are commonly cited by all parties as the prime beneficiaries of schools and the reason why we have schools, it seems odd that they have typically had no formal role in making decisions about various aspects of schooling. In Chapter 4, consideration is given to the legal status of student councils in schools. Considered from a political point of view, however, students have very little power. They generally lack organization, knowledge, wealth, and connections. As a result, and despite the rhetoric, they can be and often are ignored when important decisions about their futures are being made. Where student involvement does exist, it is typically of a token nature, with little or no real influence on subsequent decisions. On occasion, school boards have created student board roles that offer meaningful input on decision-making, but this tends to be few and far between.

There are many other groups whose main focus is not on the educational system, but who may have an interest in some educational issues. Business organizations, labour unions, and various community groups are external stakeholders who may become involved in particular education policy issues. Business groups, such as the *Conference Board of Canada*, have been especially influential, and tend to stress the importance of schools' developing good work habits such as punctuality, or skills such as entrepreneurship. Peace organizations and environmental groups

may lobby for the inclusion of curriculum material. Child welfare organizations may want the schools to place more stress on educating children about violence and its prevention. Taxpayer groups may organize to press governments to spend less money and thus avoid increases in taxes. In the last few years, mental health groups have been advocating changes in schools that would improve students' well-being. Because education affects everyone in the society, every organized group can have a legitimate interest in educational issues. Although their importance varies, overall, these lobby groups are more influential than they used to be.

The media also play an important role in many debates about educational issues because they have such a powerful influence on how people see issues. The news media are often criticized in education, as in other fields, for focusing primarily on the negative and giving precedence to stories that are critical. Coverage of education tends to be episodic, and issues are rarely given in-depth treatment. At the same time, most Canadian adults do not have children in the schools, and so may rely heavily on social media, television, and press reports as they form their opinions about education policy issues, just as people do for many other areas of public life. School systems have had to adjust to the powerful role of social media in shaping education politics as people, especially young people, pay more attention to the huge range of material on the internet, whether it is accurate or fake news.

Who Should Participate?

An ongoing question in politics is who should be allowed to participate in the decision-making process. In the case of the educational system, many people will have an interest in formulating policy decisions. For example, teachers and students are almost always affected directly by policy decisions, but so too may be parents, other school staff, and all sorts of individuals and

organizations. Many people tend to think that everyone affected by a decision should have a right to participate in making the decision, but that view raises important questions. For one thing, what does it mean to participate in making a decision? Have we participated if we have expressed our point of view, even if it carried no weight in the decision? Is it participation to appear before a school board to make a presentation that is ignored in the board's decision making? Or have we participated only if we are satisfied with the outcome? One point of view, discussed in Chapter 2, is that we have all participated simply by electing a school board or provincial government. Once elected, a governing body may, but need not, consult us again about each particular decision. After all, being elected is what lends a governing body the authority and legitimacy to make decisions at all. But others would argue that democratic societies rely on consensus when deciding policies, and that consensus can be achieved only if everyone who so wishes can play an active role in the decision-making process, even though this may make the process slower and create additional conflict.

Participation has been seen as a positive value for different reasons. One argument has to do with effectiveness. Some believe that people will be more accepting of a decision, and more willing to abide by it, if they have had a chance to participate in making it. This view is often expressed in regard to various educational innovations, where the belief is that teachers are more likely to implement changes if they have had a say in shaping those changes. The effectiveness argument will be true in some cases, but not in others, depending on how important the issue is and how strongly people feel about it. The stronger people's views are about an issue, the less likely it is that participation alone will build commitment to the decision. So, while teachers may be willing to support a policy because it has been arrived at through staff discussion, they would not likely agree to have their own jobs eliminated simply because that decision had been made after discussion by all.

The second main argument for participation is a moral one. People have a right to participate in important decisions affecting

them, regardless of whether their participation makes the process more effective, or leads to a better decision, or results in consensus. This belief is the foundation of democratic government. In regard to schools, however, it is not clear who has this right to participate. Much of the literature stresses teachers' participation in decisions. But what about students? After all, they are deeply affected by almost every educational policy, yet often have no voice at all. What about parents, who rarely play an active role in shaping school policies? And what about the community generally? If schools are important to everyone, then perhaps everyone should participate in formulating educational policy. But is such an idea at all practical? Moreover, not everyone wants to participate in every decision. Teachers, for instance, may be content to leave many decisions to school administrators, reserving their own time and energy for the decisions they feel are truly important. Many parents, while interested in supporting their own children's schooling, do not want to be actively involved in governing the school.

How Does Participation Occur?

Much of our political process is oriented toward groups. Voting, of course, is done by individuals. And individuals can make a difference in the political process through their courage and leadership. But political decisions are made and influenced by groups of people and organized around particular interests, whether broad (a group wishing to improve the public image of education) or narrow (a group wanting a different principal in the local school). It is school boards, or provincial Cabinets, as collective bodies that struggle with budget and policy issues; it is groups of people who organize to lobby for or against particular policy proposals. Indeed, when people are motivated to act politically, they look for group support almost instinctively. The parent who is unhappy with the school and the teacher who feels aggrieved by an administrative decision will

both look for support from others, whether neighbours, colleagues, a parents' association, or the teachers' organization.

Despite the development of more open political processes over the last century, the ability to participate politically, like so much else in our society, is not distributed equally. People with more money and more connections will have more political influence. Well-financed groups can afford to hire skilled staff and have professional-looking newsletters or websites, so will often be more influential than neighbourhood groups that rely on volunteers working in the evenings. Groups that understand the political process, have easy access to decision makers, and know the jargon may exercise influence disproportionate to their numbers. This influence extends to defining the issues, as discussed earlier, as well as to affecting a particular policy choice.

In the case of education, the policy process is often dominated by established groups and stakeholder organizations. They are already organized and tend to have staff and money. Their executives know and are used to dealing with one another. They are already present in many of the decision-making forums. This fact tends to push the policy process in particular directions. Each group normally acts to protect the welfare of its own members. If the key decisions are being made by people who are already part of the system and benefiting from it there might well be less likelihood of significant change. The lack of participation of some groups, however, does not necessarily occur through such overt processes. After all, every adult citizen in Canada is now entitled to participate in political processes. But some people are still excluded through factors such as process and language. For example, appearing before a school board requires some familiarity with what a school board is and does. It may require the ability to write a brief and present oneself as a fellow professional. It may require familiarity with current legislation and regulations. Being able to associate a particular grievance with an issue that is of genuine public concern is an important ability. These skills are far more likely to be found among

people who represent privileged groups and are well connected to the political process.

Political processes can also be designed to be inhibiting. For example, many school boards will allow delegations to appear and ask questions, but will make no comments and will reserve their own discussion of the issue to a later, private portion of the meeting. The delegations thus appear as supplicants requesting a favour rather than as citizens expressing a point of view. A delegation may have no chance to learn what the board thinks of its views, and why. The same is largely true of briefs submitted to various provincial commissions. When a commission receives 1000 or more submissions, how much impact will one more or one less have? How would one know? Box 3.7.1 offers some historical examples of commissions related to public education in Canada.

Box 3.7.1

Participation in Provincial Commissions

One of the vehicles governments use to help form public policy is to create a commission. This involves designating a person or small group to conduct an official inquiry into a topic and to issue a public report with recommendations. Commissions usually include extensive processes of public consultation so as to gather as broad a range of views as possible. A look at who participates in these processes is instructive in understanding how people do or do not participate in political events. While commissions are intended to provide a vehicle for broad public input, their consultation activities tend to be dominated by groups and

organizations within the system directly affected. This results in much less “public” involvement.

In 1987, the Government of British Columbia set up a royal commission to provide recommendations on the basic direction the province’s education system should take. Chaired by lawyer Barry Sullivan, the commission held 66 public hearings and 54 meetings with teachers, and participated in 23 student assemblies. The report of the commission, issued in 1988, listed the 2350 groups and individuals who had appeared at the hearings or submitted written briefs. An analysis of these lists shows that the great majority of the presenters were affiliated with schools—school boards, teachers’ groups, and parents’ groups. The commission also met with representatives of government agencies and major provincial organizations, including groups representing superintendents, principals and vice principals, secretary-treasurers, school trustees, teachers, independent schools, and university faculties of education.

Ontario created a Royal Commission on Learning in 1993 to look at the direction and future of the public school system. The Ontario commission conducted an even more extensive consultation process than the commission in B.C. It held more than 40 sets of public hearings, visited 36 schools, and received 1400 oral presentations, 1500 written briefs, 350 telephone call comments, and 1500 e-mail comments. It also organized a series of outreach meetings in malls, detention centres, and social service agencies. Although the commission did generate widespread participation, a very large proportion of submissions and

presentations were from educational organizations—school boards, administrators, teachers, and parent councils.

In 2018, Manitoba created a Commission on Kindergarten to Grade 12 Education mandated to propose a renewed vision for K-12 education. In 2019, the Commission published a policy consultation discussion document and engaged in extensive province-wide consultations that included interactive public workshops, two online surveys, 62 written submissions of which 31 were then presented in three days of public hearings. While these consultations did engage with a wide range of Manitobans, again a large majority of participants came from individuals associated with the education system such as school boards, professional organizations, administrators, and teachers.

These commissions also commissioned research to support their work, largely from university professors. It is no surprise to learn that even the most open consultative process will tend to be dominated by those with the strongest stake in the system, and also by those with the skills, time, and other resources to take advantage of opportunities for participation. Although all three commissions made considerable efforts to hear from all interested parties, some groups had much more input than others.

Sources. Based on: Sullivan, B. (1988). *A legacy for learners: Report of the Royal Commission on Education*. Province of British Columbia; Ontario. (1994). *For the love of learning: Report of the Royal Commission on Learning*. Publications Ontario. Manitoba Commission on Kindergarten to Grade 12 Education (2020). <https://www.edu.gov.mb.ca/educationreview/consultation.html>

Language is another effective barrier to participation. Education, like other fields, has developed its own terminology, its own jargon. Those unfamiliar with “word attack skills,” “powers of school boards under the Schools Act,” “most appropriate placement in the least restrictive environment,” and the many other specialized terms in education will find it harder to participate in discussions. Professionals may use jargon, whether consciously or not, as a way of showing their own skill and, effectively, diminishing the contribution of others.

At the same time, it is important to realize that even groups that have relatively little influence can, with the right resources and assistance, mobilize and have an impact on educational decisions. Accordingly, one test of a participative process is to ask how much weight the least powerful carry in the process. If their voices are not heard, we have reason to wonder if the process is as democratic as we might want. We might also want to consider what measures could be taken to make our political processes more open, and to enhance the participation of the least powerful.

3.8 What is the Decision Making Process?

For most political issues, there is no straightforward, pre-defined decision-making process. Politics is essentially related to questions of who has, and is willing to use, power. For any given issue, this is not known at the beginning. For one thing, power is itself an elusive matter. It is not something that can be stored or counted, but rather a function of relationships among people and organizations—which can change rapidly and unexpectedly. When a long-standing government, with a powerful state bureaucracy behind it, suddenly collapses in a matter of days (as has happened in a number of countries in recent years), it is clear that official power does not always bring real power.

The ability to exercise power depends on the particulars of an issue. Sometimes what seem to be relatively simple and straightforward decisions can become highly contentious. For example, a provincial government has the power to prescribe curricula for schools. Usually this occurs without any public furor. But in some cases, such as family life/health education or streaming in secondary schools, these decisions can become intensely political, and the official power of the province will be used cautiously, if at all.

The shape that any particular political process will take is thus unpredictable. Things have a habit of turning out quite differently than we might expect. Depending on circumstances, it is often necessary to make changes to the process, to re-define the issue, or even to start all over again part way through the process. Dror (1986) refers to this as “fuzzy gambling”—a very serious game in which not only the odds but also the rules change as the game proceeds, and where surprises often occur. All of this makes political processes and governments very difficult to manage.

Policy decisions are made formally through governing bodies, such as legislatures or school boards that pass laws or motions, or through administrators who issue directives. Often, however, the important part of the process occurs well before the formal decision is made. Much of the debate about a proposed piece of legislation will occur within the Cabinet and government bureaucracy before the bill ever gets to the legislature. Similarly, a school board may do much of its bargaining over issues outside of the formal board meeting, in discussions among board members. A politician or an administrator may talk with many people before finalizing a decision officially. The meeting described in the prologue to this chapter is an illustration of the difference between a formal decision—to be made in that case, by the school board—and the real decision process. Although it is the responsibility of the minister of education to approve new curricula, when these documents reach his or her desk, a committee of teachers has probably already been at work for several years on the new curriculum, including its pilot testing in schools. Unless there are very serious concerns, formal approval is usually just that—a formality. Lengthy participation processes and internal debates mean that decision processes can sometimes take a very long time—years in many instances—even though the formal decision at the end may occur in a matter of minutes or even seconds.

Of course, decisions can be controversial at different levels, meaning that there are different sorts of political processes. In addition to the politics of elections and protests, there are the bureaucratic politics that take place within an organization. There can be quite a bit of politicking within a school board or school over a decision in which the general public is not particularly interested. For example, a decision about who will teach which courses in a school can lead to a great deal of discussion, lobbying, and concern among teachers without attracting much attention from parents. Similarly, decisions about which new curriculum is next to be developed by the department of education may be controversial among teachers but not the public.

Courts also play a role in shaping political decisions. Courts may require political bodies to take action by deciding that some current state of affairs is inappropriate (e.g., rules governing the privacy of students' files) or by finding an existing law to be invalid and therefore in need of amendment or abolition (e.g., rulings regarding the governance of official minority language schooling). The role of courts is discussed more fully in the next chapter.

Provincial Governments and School Districts

Some elements of the decision-making process in provincial governments have already been discussed in Chapter 2. In most provinces, the main responsibility for decision-making lies with the Cabinet and its committees. These groups receive advice from civil servants and from political sources such as ministerial advisers, committees of the political party, backbench members of the governing party, and a wide variety of people and groups who may have access to the premier, the minister of education or other politicians.

Provincial governments also use a variety of other mechanisms to deal with educational policy issues. These may include delegating particular functions to boards or commissions, creating advisory boards, sponsoring commissions of inquiry of various kinds, or undertaking studies of issues. When a government is not sure how to proceed with an issue, for example, it may create a commission to study the matter in more depth and make recommendations. Some issues that have the potential to be contentious are delegated, either in legislation or through Cabinet order, to a separate board or agency. For instance, questions about teacher certification may be handled by a board composed of representatives of the teachers' organization, the provincial government, the school districts, and

other interest groups. This group considers various issues relating to certification and makes recommendations to the minister.

School districts are created through provincial legislation. The relationship between provincial governments and school districts can be highly political in that each often would like the other to do something differently. There are political pressures exerted by provincial governments on school boards, and by school boards on provinces. Because it is school districts that actually deliver educational services, the provincial government must achieve most of its policy purposes through the districts. Implementation of a new program, a shift in the handling of special education, more emphasis on learning about bullying, increased attention to mental health—implementation of all of these depends on the active cooperation of schools and school districts.

Although provinces have the power to compel school districts to carry out provincial policies, they are generally reluctant to use this power. School boards may criticize provincial governments quite severely, in an effort to cause political embarrassment, and in some cases school boards may be closer to the feelings of their constituents. However, as noted in Chapter 2, over time in Canada, authority has shifted from school boards to provincial governments. Control over funding has been centralized in all provinces, and ministers have taken on increased power over matters such as curriculum content, assessment of student achievement, and the public reporting of school outcomes. In addition, in several provinces, ministries have temporarily taken control of one or more school districts, removing the elected board, when they felt a situation was especially bad (Lunau, 2008; Stueck, 2016).

Provinces have several other means—varying in their degrees of coerciveness—with which to influence what school boards do. First, a province can pass legislation requiring boards to implement a particular program. For example, many provinces have required school boards to implement some form of parent council, and there has been provincial legislation on reporting achievement results that has required schools to adopt new procedures and to deal

with new issues. Second, a province can issue regulations under existing legislation. For example, the minister of education in some provinces can issue a regulation specifying the number of professional development days schools can have. Third, a province can issue a policy statement, which, though not binding in law, does put considerable pressure on school districts to comply. For example, a province can issue a statement outlining what it believes school districts ought to do to evaluate teachers, or the steps to be taken in reporting achievement to parents. A school district would need to mount a convincing case to support taking any other direction. There is nothing automatic about which vehicle is used for what purpose. For example, in some provinces reporting to parents is specified in legislation; in others, through regulation; and in others, through policy.

Fourth, a province can provide direct service in a high-priority area, bypassing the school boards by setting up its own programs or by funding schools directly to do specific things. This option is not often used any more. At one time, most schools for deaf or blind students were run directly by provinces, but many have now been turned over to school districts. Provinces do provide direct service in areas closely related to education, such as employment training.

Fifth, a province can provide incentives for boards to do something. For example, the ministry or department of education might provide grants to start new programs, training to teachers in a particular area, or materials, free or at low cost, all as a way of inducing school districts to do something the province wishes them to do. Sixth, and finally, a province can mobilize opinion as a way of putting pressure on school districts. A minister of education or the premier of a province can make speeches and public statements urging school boards to make their budgets public, or to have school advisory committees. If the idea catches on with the public, school boards will find themselves under pressure to respond, even though there is no official or legal requirement for them to do so.

School boards, on the other hand, also put political pressure on provinces. Their prime means for doing so is to blame various

problems on the provincial government, which is, after all, the more senior government. The provincial government may provide less money than a school board wants, with the board then blaming program changes or school closings on inadequate provincial funding. The province may require school districts to implement various programs against the board's wishes; the board may then blame the resulting problems or concerns on the actions of the province. If boards can mobilize enough public support, they can force a change in provincial policy even though they have no legal ability to do so. Thus, each party uses a variety of political devices to try to convince voters that it is advancing the public interest.

Politics Within School Districts

Although most of the legal authority for education rests with the provinces, much of the public debate occurs at the local level, within a school district. Typically, in such cases there are two or more factions within the school or district that have very different policy goals. The prologue to this chapter offered one such example. Another good example is a school district caught between a fixed amount of revenue provided by the province and pressures to expand programs and services. Groups of parents and others will argue that class sizes are too large, that small schools need to be kept open, or that special education supports need to be increased. However, the board simply does not have enough revenue to do all the things that are being asked for. The school board can be caught in the middle of this debate, which may be very heated and involve stormy meetings, boycotts, threats, and highly polarized positions. One consequence of this is that many school boards and provinces have recently developed explicit Codes of Conduct for school board trustees (Ontario Ministry of Education, 2021; Toronto District School Board, 2021).

Another reason for political debate in a school district may have

to do with the perceived fairness of resource allocation. People living in a particular area may feel that their local school is not being treated as well as another school in another part of the district. Boards can face conflict over which school will be renovated next, which school will get an additional teacher, or which school will be allowed to develop a new program. Conflicts within a school district are often mirrored by conflicts among the elected school trustees. In many school districts, trustees are elected by ward. Each part of the district elects one or more trustees who together make up the board. Trustees may thus feel a strong allegiance to the interests of their particular ward when it comes to issues such as budget allocation or school closings. Even though the board must finally make a single, binding decision, the debate at the school board itself can then be very intense, and conflicts can be very difficult to resolve.

Such heated issues are not, however, the norm. For the most part, education proceeds with very little political debate. School board meetings tend to be uneventful, even dull to the outside observer. Conflict and debate, when it does occur, is frequently over relatively minor concerns. Major issues in schooling, such as grading, promotion practices, curricula, or equitable treatment of all students, are rarely the subject of public or political discussion. Indeed, given the importance of schooling, there should perhaps be more public debate over issues of teaching and learning.

Advocating more public debate is one thing but finding ways to create it is another. There are significant obstacles to doing so. The nature of the mass media, discussed earlier, is one problem. Moreover, there are many issues competing for public attention at any one time. Those whose main interest is health care, the environment, or economic policy also want more informed public debate. Do people have the time and energy to be involved in all of these?

Politics Within Schools

Individual schools are not exempt from political issues. Politics within the school are generally known as micropolitics. These issues can be internal or external. Internally, teachers may disagree with one another, or with the principal, on many matters – how to teach, how to deal with student discipline, how to involve students or parents. Or there may simply be personality conflicts—people who do not like each other, or who feel that some colleagues are not doing their fair share of the work. A skilled leader must be able to identify such conflicts and to work to resolve them in ways that respect everybody's interests yet also give primacy to educational goals and needs. The danger with such conflicts is that avoiding conflict among staff may be given greater importance than providing the best possible learning situation for students.

Pressure may also be placed on the school by a dissatisfied community. For example, school boards may face pressure from groups of parents who want more music programs or anti-bullying efforts or less testing. Instead of reaching out to work with people to meet their needs, some schools will try to avoid responding by treating parents as ignorant, by using technical language that cloaks real meaning, or by stalling. For schools that display a genuine interest in the community's character and needs, the community can be an enormous source of strength and support, as will be seen in Chapter 8. But when schools lose touch with their communities, they can find themselves isolated and subject to very powerful pressures to change.

3.9 The Complexity of Political Decision Making

The term decision-making process is actually a rather simplistic and abstract way of describing how decisions are made. What appear to be simple decisions on the surface can have far-reaching consequences. The decision to consolidate rural schools has had major implications not just for schools but also for rural life in Canada. The decision to move some aspects of control of education on reserves to First Nations has had significant impact on those jurisdictions. More mundane decisions, such as reassigning a teacher or changing a dress code, can have major effects on individuals.

Many political issues are revisited again and again. Thus, rather than thinking of political decisions as final, it would be more accurate to think of them as temporary accommodations that may be changed again at a later date. We have already discussed several tensions that have been constants in Canadian education—the tension between the common public school system and the need to accommodate the diverse interests of a multicultural society; the tension between local control and centralized control of schools; and the tension between the role of professionals and the role of citizens in directing schools. These issues persist in education policy, manifesting themselves over and over again as particular decisions are made.

Some may view the unceasing debate as tiresome, wishing that the issue could be decided once and for all. It may make more sense to be glad that we live in a world in which we can learn from experience and remake our future to take advantage of what we have learned. The possibility of improvement—the chance to make things better—is always open to us. In the 1960s, hundreds of small Canadian schools were closed. Now, in most provinces, school-

closing decisions are made much more carefully and with a great deal of community participation. Not so very long ago, Indigenous young people were taken away from their families and placed in residential schools, where they were forbidden to speak Indigenous languages. Today, many more Indigenous children go to school in their own communities, and there is a slowly increasing emphasis on teaching in Indigenous languages.

We are not suggesting that things are getting better in every way. While some situations improve, other problems are as serious as ever and new problems are constantly arising to challenge us. But the debate about what we should do, together with the willingness to think and argue about what is best for education, is a vital part of trying to make the world a better place.

3.10 What Factors Influence Policy-Making?

The evidence is that most political decisions are influenced by many factors. We can identify four broad categories of influence on decisions: political, economic, ideological, and pragmatic.

Political influences concern who is in favour of, or opposed to, a particular position, without necessarily considering the merits of their position. When making a decision, both elected officials and employed staff must weigh who is for or against it, and how intense the opposition may be. Provincial and federal governments may take opinion polls, or they may pay attention to letters, phone calls, and emails. A school board will assess its perception of the balance of opinion in its community. A school principal will think about how staff members and parents feel about any given issue, and about how those with different opinions might be won over. The weighing of opinion before making a decision is a reasonable and universal political practice.

Some people criticize government bodies for making decisions based on their popularity. The use of public-opinion polls to shape government policy is one manifestation of this tendency. While polls can be used and policies can be endorsed simply to favour what is popular, the issue is not so simple. After all, we elect governments to do the things we prefer; it is hardly logical, then, to criticize them for taking our views into account before making decisions! It is unlikely that people would be more satisfied if decisions were made without regard to their views.

An alternative influence to the use of polls or other opinion measurements lies in the pressures brought to bear by various groups, as discussed earlier. This has its own problems, as the best-organized and loudest lobbies may be representative of quite small numbers of people. Policy decisions are also affected by economic

considerations. No matter what people say about taxes and public spending, political choices will always be constrained by financial realities and by the possible effects of policy choices on the economy as a whole (In Chapter 5, we discuss more fully the way in which the availability of money affects what choices are possible). Much of the current debate in Canada about education policy, for example, is framed in terms of how education can contribute to economic growth, even though this is only one purpose of education.

Ideology plays a critical role in shaping politics and policy choices. By ideology we mean people's deep-seated beliefs about how the world is and how it ought to be, beliefs that are held at such a deep level that they are rarely called into question. Everyone has such beliefs, many of which were inculcated when we were young (partly through the schools, it might be added). Although we sometimes use the term "ideology" to disparage those with whom we disagree, ideology is what shapes, in large part, the agenda of political parties and of all of us as individuals. If one begins with the belief that people will not work unless they are policed and compelled to do so, then one is inclined toward policies such as more testing of students or closer evaluation of teachers. If one believes that poverty is an underlying cause of educational problems, one will be inclined to support programs and activities that reduce or ameliorate some of the effects of poverty, such as school nutrition programs or preschool programs. The ideology of individuals and groups will have a critical effect on many policy decisions, chiefly by shaping the alternatives that are considered in the first place.

Ideology intersects with pragmatic considerations, however. What we *want* to do has to be matched with what we think *can* be done. Each of us takes for granted certain assumptions about what is possible, assumptions that also shape our political proposals. Whatever our ideological convictions, we don't propose what we believe to be impossible. An election commitment to eliminate winter storms in Canada would be popular if anyone believed it could be done, but because it isn't possible it never gets on the

agenda. To take a less fanciful example, a proposal to ensure that all students should take advanced mathematics in high schools, while perhaps seen as desirable, might also be seen as impossible, and hence command less political support. Goals have to be fitted against capacities in designing policies.

Policy choices are also constrained by the range of options that people are aware of in the first place. This is one reason why policy ideas seem to move across boundaries, so that what is done in one place is often copied in other places. An initiative adopted in one state or province may get picked up by the media or communicated at various national or international meetings and conferences. If the idea appeals to leaders in other settings, it may be taken up there as well. An example would be the move by many provinces in the 1990s to reduce the number of school boards, so that over a 10-year period, eight of the provinces took steps in this direction. Levin (1998) suggests that these movements in policy may be comparable to the spread of diseases. However, there is also evidence that the movement of policy ideas across jurisdictions is shaped by cultural, historical, and institutional factors as well as by political demands (Levin, 2001).

3.II Outcomes of Policies

A policy is usually intended to achieve certain results. Each policy is guided by some underlying logic of cause and effect as to how the desired results can be obtained: if we do x then y will follow, or if we want y then we must first do or have x . If we require students to attend school, they are more likely to learn. If we place a curriculum unit on environmental protection in grade 5, students will learn about this important subject. If we evaluate teachers regularly, they will be better teachers, which in turn will result in students learning more. These chains of reasoning, however, are not always explicit in the policy itself; they may have to be inferred. And sometimes, political considerations means that policies attempt to please people with quite different ideas, so a certain lack of clarity is necessary.

If education were simply a matter of writing the right policies, it would be relatively easy. However, in reality, there are several slipping points between a policy statement and the anticipated results. For one thing, actions intended to have one effect may have quite another, or even several different ones, when put into practice. For example, if students are given grades as an incentive for them to learn more, the goal of getting good grades may become more important than the goal of learning. Every policy has such unanticipated consequences.

Moreover, making a policy statement is not the same as having the policy implemented. The fact that laws have penalties for breaking them shows that people do not always do what they are told. Every policy statement is violated sometimes, and some policies are hardly observed at all. In schools, we have learned that writing new curriculum documents will not by itself change what or how teachers teach (see Chapter 7). If a policy does not fit with what people believe, or how they are used to behaving, it is not likely to be implemented unless a major effort is made to help or cajole people

into changing their behaviour. Hence, policy statements, though important, do not by themselves guarantee particular results. The success of a policy depends on the people who have to put it into practice; in schools, this is most often teachers and students.

How do we know what the outcomes of policies are? In a surprising number of cases, we don't. Many educational policies have continued for decades without any careful attempt to assess their consequences, whether planned or unintended. Schools continue to use certain kinds of instructional approaches (typically a large amount of talking by teachers and seatwork by students), organizational practices (division by age into grades or semestering secondary schools), and motivational practices (rewarding good behaviour with stickers, tokens, or prizes) without collecting very much evidence as to how well these practices work. In an enterprise such as education, which is committed officially to the pursuit of knowledge, it seems odd that there is so little reflecting on the results of our own actions. Research on education, which is one important way of learning about the impacts of policies, is a small and relatively uninfluential enterprise in Canada; many current school practices cannot be justified on the basis of research findings.

Why should this be so? One reason is that policies are not simply, as was just suggested above, intended to achieve particular consequences. Most education policies have multiple purposes and try to serve multiple interests. In addition to having some impact on what happens in the schools, they may be intended as symbolic statements about what is seen as valuable, to make particular groups feel included in the process, or (as we will see with respect to laws in the next chapter) to be vague enough, to allow a wide variety of responses at the local level. Of course, if a policy is primarily symbolic in intention, its purpose is achieved as soon as it is promulgated; what effects it might actually have does not matter so much.

This may seem an unduly cynical position. It may suggest that politics is hopeless and venal, and that we should look for alternative

ways of organizing ourselves. But it is much easier to criticize our current political setup than to find a better alternative.

3.12 Conclusion

Unhappiness with politics is widespread today. Many Canadians feel that our current processes are not serving their needs, that politicians are self-serving and interested only in their own re-election, and that politics has become preoccupied with the wrong things, while the big issues facing our country are not being addressed. A disturbing result is that levels of voting and of political interest in Canada are declining, especially among young people.

Political processes can lead to conflict, bad decisions, and bad results. Any political process can be improved, and such improvements should be sought. But it is vitally important for each citizen to retain his or her faith that political processes, whatever their faults, are important and worth struggling over. Democracy rests on the belief that people by and large can and will make reasonable decisions about how a society should work. These issues are worked out through politics.

Critical statements about educational politics by educators often imply that schools would be better if educators made the important decisions themselves. Thus, one alternative to politics is to turn more decisions about education over to the professionals. In this model, teachers and administrators would make all of the policy decisions affecting education.

While this idea is inviting to those who work in education, it has serious problems. Many decisions about education do rest with professional educators, but educators themselves disagree about many matters of educational policy. Teachers disagree among themselves about grading policies, the best way to teach languages, discipline, and many other issues.

The claim to expert authority must also rest on some demonstrated knowledge, unique to the experts, that entitles them to make decisions. We can accept that professional educators have important advice to give about teaching and curriculum, but do we

think that they should establish the goals of schools independent of what students, parents, and other people want? Is the decision about whether to put more stress on science (or any other subject) a matter in which educators have expertise, or should it involve all of us in deciding what we value? Should it be up to teachers to decide how many students can take the courses that lead to university admission? In fact, most of the truly important decisions about education are matters that require judgments on the part of the public as well as educators. Moreover, education is publicly funded, and it is difficult to think that the public will provide billions of dollars for education while leaving the entire determination about the use of the money to teachers and administrators. Would we be willing to leave all policy decisions about national defence to soldiers, or all decisions about highways to transport engineers? Expertise matters, and the views of educators should be important, but policy-making cannot be solely a matter of expertise.

This brings us to the second vehicle that is often suggested as a substitute for politics—the use of markets. In this view, education should be turned into a commodity, much like cars. People should be free to buy as much or as little as they want, wherever they want. Such a model tries to replace political judgments with the decisions of individual consumers. Yet there are even more problems with market solutions than there are with governance by experts. For one thing, all markets are affected in important ways by decisions made through public political processes. Given the highly interdependent nature of our world, it is just not possible to separate one area of economic and social activity from others. To take one example, the money available for education may be affected by changing employment levels in industry, but these in turn may be affected by the number and quality of people completing educational programs.

It is also important to note that education is something that benefits not simply the person being educated, but all of us, which makes it a public good (more will be said about this in Chapter 5). Suppose under a market system, some people decided not to

have any formal education at all—just as people can choose not to buy a car or go to a movie. Would this be satisfactory? Should it be allowed? Compulsory attendance laws all across the world bear witness to the view that education is too important to be left entirely to individual choice. If so, then we cannot rely on market mechanisms to replace political decisions.

We take the position that politics, despite its meanness, messiness, and shortcomings, is a necessary and fundamental part of education. Teachers need to be aware of political processes, and they need to see themselves as political actors. There are many ways in which teachers can influence politics. Many teachers are actively involved in political parties. Many teachers have been elected and have held Cabinet positions in Canadian governments. Others are active in teachers' organizations working for the reforms and changes they value. Many teachers have been elected as school board members in the places they live because of their deep concern for education. Teachers are also active as parents and in many community organizations.

For other teachers, their most important political work occurs in the school and with students. Teachers make a political contribution when they practise democratic values in their classrooms, treat students with respect and empathy, discuss important issues with students, work to break down stereotypes, collaborate with their colleagues for the betterment of the school, and create closer ties between the school and the community. As was pointed out in Chapter 1, the role of the teacher is a moral one, and the teacher's moral actions provide very clear political messages about her or his views of justice and right.

Political processes, like other human processes, are far from perfect. It is easy to see why people become frustrated with them. But for better or worse, politics is the way in which human societies make decisions about many important things. We therefore need to understand something about politics and to work for change if we are to understand and improve schools.

Exercises

1. Schooling is greatly affected by a wide variety of policy decisions, some of which are listed at the beginning of this chapter. Working first individually and then in small groups in your class, define what you mean by the term *policy*, then brainstorm as many areas of education policy as you can. Indicate whether, to your knowledge, these policy decisions are made by teachers, students, parents, school administrators, or others.
2. Taking one or more of the policy areas defined in Exercise 1, define how this area is political, using the definition of politics provided in this chapter. How does this issue shape (1) what is taught; (2) to and by whom it is taught; and (3) where, when, and how it is taught?
3. Again, taking one of the policy areas you have defined, find out what the current situation is in your province. What measures or policies, if any, are in place, and how did they come to be there? Is this issue controversial? Why or why not? Good sources of information for this inquiry could be local school administrators, local school trustees, teacher organization officials, or officials of the provincial Department or Ministry of Education.
4. Select a current educational issue in your province or community (perhaps one that has recently been in the news). Think about how the issue has been defined. Whose definition of the issue appears to be

uppermost? What other definitions or views of the issue might exist that are not being expressed? Why aren't they?

5. Find a position paper or brief on education that was written in your community (Such resources are likely available on the websites of various organizations). Comment on how the brief uses evidence and argument to advance its point of view. How fair and open-minded do you think the position in the brief is?
6. Identify a stakeholder group in education. Interview a member of this group to determine the group's position and its actions on one or two current issues. Look for the inside story, not just platitudes; how do they try to influence policy?
7. Attend a meeting of your local school board. Keep careful notes on what you observe. In what ways does the meeting contribute to or prevent the careful and full debate of important policy issues in education? Was the meeting, in your view, political? Why or why not?
8. Using one or two of the issues identified in one of the earlier exercises, develop a list of people (individuals or groups) who would be affected by a decision made about that issue. Should all those affected have some role to play in making the decision? Do they? How, if at all, should the decision-making process on this issue be changed in regard to participation?
9. Suppose you were an elected official facing a difficult political decision, such as whether to sell condoms in high-school washrooms. What strategies

might you use to work toward a good decision based on community discussion? What if it were a K-12 school?

10. Interview one or two teachers. Ask them their views on politics in education. How, if at all, are they involved in politics? Do they see their work in the school and classroom as political? Why or why not?

CHAPTER FOUR: LAW AND EDUCATION

4.1 Prologue

Toni was the first to arrive in the seminar room at Foothills Collegiate, so she fixed herself another cup of coffee and sat back waiting for the rest of the group to join her. A final-year Bachelor of Education student, she was glad that she had signed up for a pilot field-based collaborative project at the Faculty of Education. The project was designed to enable students to spend more time working in schools, with part of their course work built around their school experiences.

There were five other Faculty of Education students in the school doing student teaching, and as part of their program they met twice a week as a group with the team coordinators – Cynthia Phillips, a science teacher at the school, and Ian McKenzie, a professor at the university, who not only supervised their student teaching, but also taught them a course entitled “School Organization.”

On the main campus, “School Organization” was viewed by most of Toni’s friends as a tedious course – not irrelevant, but fairly boring. Perhaps, she thought, she was lucky to have two good teachers working with her in the content area, but in the school this course seemed far from tedious. It was a chance to study and talk about a whole range of issues that seemed to be directly related to what she was trying to achieve in her classroom. Each class began with an open discussion period in which any member of the group could raise an issue or question that had arisen from their teaching.

Now that the rest of the group had joined her in the seminar room and exchanged greetings, the class began. Aaron, one of the students, initiated the discussion: “Do you know what has really been frustrating me this week? It’s all the red tape that is involved in trying to arrange a class field trip. I talked to the principal, and by the time he’d finished telling me about all of the regulations and all of the approval forms I’d have to get filled out, I just said, ‘Forget it, I’ll do something else.’ And in the end, it’s the kids who suffer.”

Cynthia, the teacher, broke in: “I know what you mean. There are a lot of procedures that have to be followed in this division, which is fine if you’re planning weeks in advance, but it makes doing things on short notice pretty difficult. But you know, field trips are potentially dangerous situations, and as professionals we need to make sure that we are proactive in minimizing any danger to the students. In part, it’s simply a matter of protecting yourself from personal liability. If something does go wrong, and if you comply with all the regulations, you’re likely to be protected as an employee who was following reasonable and appropriate protocols. But more than that, it’s a matter of being professional, of doing one’s job in a professional manner. And let me tell you, there is nothing worse than having something go wrong on a field trip – like a student going missing – and running around wondering what has happened and wishing you had been more careful with your instructions, supervision, or parental approvals!”

“I think it’s really important,” said Semareh, another student, “that we know the law so that we can stay out of trouble.” I heard about a teacher who lost her job because of the content she had on her social media sites. Apparently,

someone forwarded the information to the school board and she was let go in short order.

That statement got the whole class talking. Karl burst out, “It seems like every time I turn around I have to worry about the trouble I might get myself in for doing my job! I had a student say to me, ‘Try to touch me, and my parents will sue you for assault.’ It was like he was asking me to do it, and I wasn’t even within reach of him. I’d just told him three times to go back to his seat.”

Narina said, “I was talking about some of this stuff with Ken – you know, he’s the Head of English – and he was talking about some parents who complained to the school board over some spoken-word poetry he was using in class just because it wasn’t in the provincial curriculum guidelines. They said it was too offensive and consisted of hate speech! It seems to me that we need to be lawyers as well as teachers!”

Ian, their professor, spoke up: “We’re going to be taking up many of these questions later in this course, but I think there are some important points to be made. First, Aaron and the rest of you mention the importance of being able to be creative and educative without being tied up in red tape. Second, Cynthia has noted the need to be proactive, to anticipate possible dangers and avoid them with reasonable precautions. Related to that is a third important issue, perhaps a bit more theoretical, that asks how we regulate school life in such a way that learning is taking place and at the same time the rights of all participants – students, parents, teachers – are being respected. I think this is where the law is particularly important, and should not be seen so much as an obstruction to the innovative teacher but rather as an attempt to balance and regulate the

parameters of appropriate teaching practice. If you look at how the courts have actually ruled in Canadian cases, you'll see that educators have been given considerable discretion by the courts, but that doesn't mean we're above the law.

"So, I think this discussion is important at several levels. How can I protect myself from being sued? How can I avoid potentially dangerous and inappropriate behaviour? And how can I better understand my role as a professional educator? Perhaps, Cynthia, we should stay with these questions for the rest of today's class?"

This chapter examines some key aspects of law as it affects teaching and schools. The first part of the chapter provides a basis for thinking about legal issues, including;

1. why law is important to educators;
2. the processes through which laws are made and interpreted;
3. the concept of natural justice and its relevance to education;
4. the meaning of "rights"; and
5. the nature and impact of the *Charter of Rights and Freedoms* and the *Youth Criminal Justice Act*.

The second part of the chapter discusses some of the important legal aspects of schooling, including;

6. the powers and duties of teachers;
7. negligence and liability;
8. child protection;
9. attendance at school;
10. maintaining order and discipline;
11. student rights and democratic practices;

12. teaching practices such as curriculum and the school year;
13. placement of students with special needs; and
14. copyright.

Other important legal issues related to such matters as jurisdiction over education, minority languages, the status of teachers, and collective bargaining are discussed in the relevant chapters elsewhere in this book.

4.2 Why Does Law Matter to Education?

As the prologue to this chapter shows, legal matters can have an important impact on the work of teachers. At the most basic level, teachers need to be concerned about the safety of their students, and teachers can be sued or prosecuted, possibly leading to loss of their right to teach, if they neglect their responsibilities. More importantly, law is one of the primary forces that has shaped, and continues to shape, Canadian education.

We can think about law as giving a certain shape to the web of relationships affecting schools. Laws both outline, and limit: who can teach; what can be taught; who will be taught; and how the various parties involved in education should treat one-another. Many aspects of schooling, particularly the relationship between teachers and students, are deeply affected by law. Greater concern with human rights and the advent of the *Canadian Charter of Rights and Freedoms* and the *Youth Criminal Justice Act* are important influences on the way students and teachers are treated in schools.

While this chapter is concerned with matters of law and education, it is important to recognize that law in education cannot be detached from politics or history. All of these processes affect one another, and the way they are separated in this book is an analytical convenience, not a description of the way the world actually works.

It is helpful at the outset simply to list some of the major ways in which teaching in provincial schools is affected by the law in Canada. It must be noted that this information does not focus on First Nations schools on reserve or private schools that are organized and governed differently by federal and provincial law.

The Basic Structure of the Provincial Educational System

- provincial responsibility for education;
- existence of denominational and linguistic minority schools and provincial school systems;
- existence and powers of provincial ministries or departments of education; and
- existence and powers of school boards.

All of these issues are outlined in Canadian law. They were discussed in Chapter 2, and will not be taken up again here, but they are important legal influences on schools.

Conditions of Teaching

- who can teach (certification);
- duties and powers of teachers;
- conditions of employment;
- grounds for dismissal;
- labour laws; and
- collective bargaining.

Many aspects of teaching are regulated directly in law, or are subject to the provisions of collective bargaining, which is itself regulated by law. Most of these matters are taken up in Chapter 6.

Physical Safety of Students

- negligence and liability of teachers;
- trespass and site safety; and
- child protection.

The requirement to protect students from harm has an important effect on many aspects of teaching and creates tensions between the responsibility of teachers for their students' safety and their sense of what experiences mostly facilitates students' learning.

School Attendance

- compulsory attendance, and exemptions from it.

The fact that education is compulsory has an enormous impact on teaching in that it means that students must attend school whether or not they want to do so. Penalties are typically in effect for student discipline, and/or fines in place for guardians if students are not held accountable for school attendance. Since attendance clearly impacts student completion of studies, it has a significant impact on course completion and graduation rates. However, as more virtual learning opportunities have developed, and particularly with the impact of COVID-19 in 2020, what constitutes attendance at school has become more complicated. Many schools now pay more attention to attendance at synchronous learning events, whether that constitutes face-to-face classroom instruction, or online web attendance in courses managed through virtual learning management systems.

Maintaining Order

- discipline;
- suspension and expulsion; and
- use of force/restraint in schools.

If the requirement for discipline is at least partly due to the compulsory nature of education, the ability of administrators and teachers to maintain order, and the way in which they do so, is shaped by legal decisions governing disciplinary practice. This is complicated by the fact that students who have been diagnosed with behavioural or mental health disorders, as well as those who have criminal histories of violent altercations are included in regular classroom spaces. To that end, “maintaining order” must be balanced with sensitivity to the needs of students with exceptionalities, privacy law, and safety for self and others.

Student Rights and Democratic Practice in Schools

Freedom of speech, assembly, belief, and participation in governance by teachers and students are hallmarks of democratic society, but they have a particular meaning in schools, and those rights tend to be balanced with responsibilities to others, and the primacy of safety and security.

Teaching Practices

Many aspects of teaching, such as the subjects to be taught, the

content within each subject (the curriculum), the length of the school year, the treatment of children with exceptionalities, and copyright control over teaching materials are controlled by statute or regulation.

4.3 Law and Politics

Why do schools become enmeshed in legal matters at all? Why can't they simply be left to do what is educationally sound? To answer these questions, it is important to understand that legal issues arise through disagreement and conflict. If there was complete agreement on what people ought to do, law would not be necessary. People have very different ideas as to what kinds of actions might be acceptable. To provide a greater degree of compliance than would otherwise occur, laws are used to make some actions compulsory, prohibited, or regulated in some fashion.

It is important to remember that law is intended to compel people to behave in certain ways, based on the assumption that without law they might not always do so. Law necessarily involves imposing some view of the world on people who do not necessarily share that view. Thus, law usually is rooted in some conception of morality, of what is good. For the same reason, conflict is part of every aspect of law, and education is no exception since it too is an area in which people have very different ideas about what is necessary or desirable. In the Canadian system, education law has been shaped primarily by British and French colonial traditions. Given the negative effects of Canada's colonial history on Indigenous peoples as a primary example, it is little wonder that questions, national commissions, and court cases about the extent to which law has helped or hindered particular groups of people continue to abound (Truth and Reconciliation Commission, 2015).

These conflicts are not always overt. Many aspects of school law are so taken for granted that they seem inevitable, as if there were no other way things could be done. The fact that students begin schooling around the age of six, that the school year runs from September to June, and that teachers have the right to bargain collectively, these are all practices that are not usually questioned today. However, many laws that are now taken for granted were

the subject of vehement debate at the time they were enacted. Chapter 2 referred to the heated debate over the consolidation of schools in rural areas in the middle part of the 20th century and school division consolidation in the early 21st century. Historical study shows that other aspects of schooling, such as making it compulsory, were also controversial at the time (Henley & Pampallis, 1982), and residential schools used to assimilate Indigenous peoples were particularly devastating (Truth and Reconciliation Commission, 2015). In Canada, legislation regarding the linguistic and religious aspects of education has been very controversial (e.g., the extension of funding to Catholic schools in Ontario in 1984, the changes in language requirements in Quebec schools in the 1970s and 1980s, or the secularization of Newfoundland's religious school systems in the 1990s).

The discussion in Chapter 3 of how political decisions are made indicated that, although we tend to think of laws as embodying some sort of public good, what constitutes “the public good” has, in fact, been substantially determined by the people or groups holding political power. When any law is enacted, oftentimes some people gain at the expense of others. For example, when we pass laws that create school boards and bestow certain powers upon them, we are also limiting the influence on schools of others, such as teachers or parents, who, under a different system, might play a greater role. The changing arrangements for education across the provinces and over time show that there are always options about how best to conduct public education. Changing social conditions and beliefs also generate demands for changes in law. For example, the social conditions that generated changes in marriage law in regards to sexual orientation have impacted how schools respond to parental rights and responsibilities as the notion of what legally constitutes a “family” is re-defined. As such, law is as much a reflection of current social values as it is a perpetuator of them.

4.4 Legislation and Judicial Interpretation

Once a law is passed, the surrounding debate and conflict may be gradually forgotten, and people may come to regard the law as being more than the outcome of a political disagreement. In some cases, however, the conflicts continue even after a law has been created. Legal issues arise when someone feels that some current policy or practice is undesirable or unfair, and challenges that policy or practice. There are two ways such a challenge can be made – a political effort can be made to have the law changed, or to have a new and different law enacted or a judicial challenge can be made whereby the courts are asked to rule that a policy or practice does not meet the requirements of existing law.

Chapter 2 discussed the controversy in the nineteenth century over the role of local school boards. As a result of this controversy, several different pieces of legislation were enacted to try to give legal shape to a view of how education ought to be governed. A more recent example concerns legislative provision for the education of students with special needs. Many people worked very hard for many years to have provincial legislatures provide legislation that would require school districts to pay more attention to the needs of students with exceptionalities. Provinces now have legislative provisions requiring schools to provide education for all students. Political efforts to change laws are not always effective, but they can be under the right conditions.

A judicial challenge may assume that existing laws are adequate but are not being understood or applied correctly, or it may question the very legitimacy of a law. The courts will then be asked to require that the law be enforced in a different way, or even to indicate that the law is inappropriate and must be modified or eliminated. Such court challenges have played a major role in

education historically in regard to issues of language and religion, such as the rights of linguistic minorities discussed in Chapter 2. They are becoming increasingly important in other areas, partly due to the existence of the *Charter of Rights and Freedoms*. For example, a number of recent court cases in Canada have helped to define the educational rights of students with exceptional needs, and their parents. Many court cases over the years have also dealt with such matters as the appropriate grounds for dismissal of teachers, and with school discipline practices.

These two routes to changing law parallel the two aspects of the legal system. Laws are created by the Parliament of Canada or by provincial legislatures. The creation of any law is thus a political process that is carried out by elected officials. However, once enacted, the responsibility to enforce and interpret laws belongs to the courts, which are made up of appointed experts – lawyers and judges. Each of these aspects of law will be considered in turn.

Legislation, Regulation, and Bylaws

Parliament and provincial legislatures make a wide variety of laws. Some provincial laws, such as public school or education acts, deal directly with education. But many other pieces of legislation also have important implications for schools. Labour laws affect the working conditions and status of teachers. Criminal law, including the *Youth Criminal Justice Act*, affects the way schools handle certain kinds of offences and disciplinary issues. Child welfare legislation places certain requirements on schools in regard to child abuse and protection, among other things. Copyright legislation affects the availability of teaching materials.

Many provincial and federal laws include sections that authorize the provincial minister to make regulations. Regulations typically involve the details of carrying out some intention or action contained in the legislation (see Box 4.4.1). For example, provincial

education laws authorize ministers of education to provide funds to school boards. The precise way in which such funds are allocated is usually determined in the regulations. Whereas laws are passed by legislatures, regulations are made by the Cabinet (either federal or provincial). They are then made public by the government, and have the force of the law under which they are enacted. Regulations are much easier to alter than are laws, since the changes can be made in private by the government. In any particular case, the government will decide, when it brings forward legislation, which matters should be spelled out in the law itself and which should be reserved for Cabinet decision and amendment through the regulation process. In education, in addition to finance formulas, such matters as the organization of the school year, the qualifications for teacher certification, and various matters of curriculum are usually subject to regulation. In some provinces, ministers may also issue policies that have legal force.

Box 4.4.1

Examples of Regulations Under Provincial Statutes

MANITOBA REGULATION 139-2011: ACTIVITIES AND PROGRAMS – LEARNING TO AGE 18 REGULATION

This regulation sets out the requirements for approving activities and programs that do not require in-school attendance for students who are disengaged from school, or who are 15 years or older, but who are required by law to participate in schooling.

Definitions

1(1) The following definitions apply in this regulation.

“approved activity or program” means an activity or program approved under section 5. (« activité ou programme approuvé »)

“deputy minister” means the deputy minister of the department. (« sous-ministre »)

“pupil” means a person who

(a) has been identified by the school board as being a pupil who is disengaged from school; and

(b) is 15 years of age or older and is required to attend school under section 259.1 of The Public Schools Act. (« élève »)

1(2) In this regulation, an activity or program does not include a course for which a pupil may earn a credit as defined in section 1 of the High School Graduation Requirements Regulation, Manitoba Regulation 167/99.

Approval of activities or programs

2 An activity or program in which a pupil may participate instead of attending school may be approved if participation in it will result in any of the following outcomes:

(a) the pupil becoming re-engaged in school programming;

(b) the pupil receiving education and training for a specific job, occupation or other form of employment;

(c) development of the pupil's preparation for employment and general employment skills;

(d) development of the pupil's life skills.

Superintendent to identify activities and programs.

3(1) A superintendent must identify and submit to the school board the activities and programs that he or she considers suitable for pupils to participate in instead of attending school.

3(2) In determining the activities and programs to be submitted to the school board, the superintendent must have regard for

(a) whether a pupil's participation in the activity or program will result in the outcomes specified in section 2;

(b) the availability of the activity or program to the pupils of the school division or school district; and

(c) the need to accommodate the different learning styles of pupils in the school division or school district.

In addition to laws passed by Parliament or provincial legislatures, and regulations made under those laws, there are other important documents that have legal status. Many organizations are given legal status through federal or provincial legislation. School boards are legally authorized and given particular powers through provincial laws, as are municipalities. These organizations cannot make laws, but they can make bylaws, which are also legally enforceable within the statutory powers granted to the particular organization through its legislation. For example, school boards pass bylaws to determine their own structure and operations. School boards also make formal policy decisions about school sites, school boundaries, budgets, and staffing, and others carry out these decisions because they are made by a duly constituted authority. To take another example, teacher organizations, which are themselves

legally authorized through provincial legislation, may make rules of conduct that are binding on their members.

The Courts

Courts play a vital role in the legal system in that the application of law hinges on judgments about particular cases, and these judgments are made by courts and judges. As a matter of course, every law requires interpretation as to how it applies to a particular circumstance. However, because human situations are so varied, there is no law, no matter how carefully written, that can take every possibility into account. In some cases, laws are deliberately vague because there is such political disagreement over what they should say that the matter is partly left to the courts to decide. The *Charter of Rights and Freedoms* is one example of legislation with language requiring the courts to decide what specific clauses mean. As some of the issues discussed later in this chapter demonstrate, the work of interpreting law is a continuous process.

Over time, laws may also need to be reinterpreted to meet newly emerging needs or changing circumstances. Legislation that is not revised can become out-dated. It is then left to the courts to apply existing laws to new circumstances. For instance, Canadian copyright law has been revisited numerous times, since important issues of intellectual property rights relating to the copying of computer software and digital media were not covered under the 1924 law, which had remained in force up until the first revision that included these concerns in 1988. In education meanwhile, emerging issues such as the teaching of students with special needs, gender identity, access to student records, or parental rights in determining school programs are not always defined in the education statutes. Judges have a very important role in shaping the practical applications of a particular piece of legislation.

The Canadian legal system generally recognizes the supremacy of

the legislature, which means that our courts tend to be reluctant to give instructions to elected bodies as to what they must do. On the other hand, courts are not concerned just with interpreting laws. They also have the authority to declare that a particular law is invalid. This may occur when the requirements of one law are seen to conflict with the requirements of another. In such a case, a court may then rule that one of the laws is invalid and must be changed. In this way, judicial decisions can lead to a legislative change. The *Charter* has often been used as the basis for arguing that a particular law is invalid. As Clément (2018) notes:

The *Charter of Rights and Freedoms* has transformed the role of the courts, which are increasingly using the abstract principles listed in the charter to invalidate legislation. The number of cases before the Supreme Court of Canada that involve human rights increased from 20% in 1975 to more than 60% of the court's docket after 1982. Whereas the court rarely invalidated a statute before 1982, since then the court has invalidated at least one statute every year (Songer et al., 2013). Many of these cases have been instigated by social movement organisations. Organisations as diverse as the Assembly of First Nations, Council of Canadians with Disabilities, Ontario Coalition Against Poverty, and the United Church are framing grievances such as clean water, services for people with disabilities, assisted suicide, education, universal health care and the environment as human rights. (p. 161)

Thus, the courts also have the potential to play an important role in making laws as well as interpreting them.

There are several different kinds and levels of courts in Canada, each of which has particular authority and responsibility. The nature and role of courts are determined through both federal and provincial legislation, with the exception of the Supreme Court of Canada, whose structure and role are defined in the Constitution. The Supreme Court plays the most significant role for several

reasons. First, its rulings are binding on all other courts in Canada. Second, controversial cases in all areas of law may be taken to the Supreme Court for a ruling that will provide clear direction to the lower courts, and thus a common interpretation of the law across Canada. Third, the Supreme Court is responsible for determining how the various clauses in the Constitution will be interpreted.

In making decisions, courts take into account not only the arguments of the lawyers who represent the various parties involved, but also any applicable legislation and previous court decisions called “precedents.” Often more than one piece of legislation will apply to a particular case; when the various laws conflict, the judge must sort out the conflicts before rendering a decision. Precedents are important in influencing judges’ decisions. Indeed, over time a body of precedents (often called “case law” or “common law”) emerges to guide legal decision making. Precedents, though important, are rarely completely binding, since the circumstances of each case are somewhat different. Moreover, as people’s views change, the meaning of the circumstances of a particular case also changes until an earlier judgment is no longer seen as appropriate. In this sense, law is never a fixed and final matter, but is constantly changing and evolving.

Court decisions are also guided by certain basic legal concepts. One of these, often found in judicial decisions, is the concept of *reasonableness*. Many court judgments make reference to the matter of what a “reasonable person” might have been expected to do under a certain set of circumstances. The fact that reasonable people can often disagree over what is reasonable makes a concept such as this one particularly hard to define precisely, as we will see later in the chapter.

4.5 Natural Justice and Fairness

One of the most important legal concepts is natural justice, or, more accurately, fairness in legal procedure. Natural justice has to do with whether the law has been applied fairly, regardless of the actual content of the law. An unfair law could still be applied in a way that respects principles of natural justice.

There are two basic aspects of natural justice. First, the person judging any particular situation should not be biased. This is usually taken to mean that the decision-maker should not have a direct interest in the case. Thus, if a teacher has accused a student of cheating, the teacher should not act as judge in the case also. The second requirement is that the person accused has the right to a fair hearing – that is, to understand the charge being made, and to give their side of the story. As with the concept of reasonableness, the meaning of natural justice often requires interpretation in a given set of circumstances. We will see later in this chapter the difficult challenges that the concept of natural justice may pose for many current school practices, especially in areas such as student discipline.

The *Charter of Rights and Freedoms* has focused much more attention on the concept of natural justice as it relates to legal matters involving education. Section 7 of the *Charter* guarantees the right to fundamental justice. Although the meaning of fundamental justice will only gradually be determined through court decisions, it appears to have a broader application than does natural justice. Natural justice deals with procedural fairness rather than with the substance of a law. In applying the *Charter*, however, the Supreme Court has generally considered both aspects – whether a law was applied fairly, and whether the law was itself substantially fair or

just. This broader application gives courts a much wider scope in reviewing the actions and decisions of educators.

Is the Legal System Fair?

Although we like to believe that our courts are impartial arbiters of justice, courts, like other human institutions, are far from perfect. For one thing, ability to gain a hearing in court may depend on having enough money to hire good legal counsel. In a case that might reach the Supreme Court, lawyers' fees can be many thousands of dollars, which makes this avenue unavailable to many people, regardless of how strong their case might be. For example, a student wishing to challenge a school board will have a much harder time finding the money for lawyers than will the school board. Cases may also be decided on legal or procedural technicalities that have little to do with their substantive merits. Judges, like other people, are subject to biases and stereotypes. Some groups of people have been more likely than others to be sent to jail for the same offence, and some judges tend to give harsher sentences than others for the same transgressions (Bernard & Smith, 2018; Chartrand, 2019; Grekul, 2020; Heo, 2019). Thus, in the justice system, as in politics, there are significant inequalities.

In the past, political decisions made through legislatures and school boards have been far more significant for the schools than have been those made in the courts, with some exceptions in areas such as language and religion. This situation has changed under the *Charter*, which provides more grounds for judicial challenge to school practices (de Britto, 2018; Ginn et al., 2020; Murdoch et al., 2018). Before examining the *Charter* and its implications, it will be helpful to have a more general discussion of the nature of rights.

4.6 The Meaning of "Rights"

Many educational issues are framed as questions of *rights*. We say that teachers have (or do not have, depending on our opinion) a right to voice their opinion about school policies. Parents have (or do not have) a right to see their child's school records. Children have a right to be protected from harm. But what are rights? Where do they come from? These questions have been of interest to people for thousands of years. There is no agreement on the answers, but over that time some useful ways of thinking about rights have arisen. Rights can be classified as

- normative and legal;
- procedural and substantive;
- negative and positive;
- individual and collective; and
- personal and property.

Normative rights are those rights that people believe every individual should have, while legal rights are those that are officially recognized in a particular society. Considered logically, normative rights come first. A normative right is something we possess by virtue of being human. We don't have to do anything to earn this right; it is ours automatically. Examples of normative rights would be the right to a fair trial, the right to free speech, and the right to be free from arbitrary discrimination. Many common normative rights are set out in international documents such as the *United Nations Universal Declaration of Human Rights* and the *United Nations Convention on the Rights of the Child*.

Having a normative right does not necessarily mean that one is able to exercise it. Exercising a right requires three conditions: (1) that the right has been officially recognized through a law or rule; (2) that there is a process for settling disagreements over rights; and (3) that there is a way for people to enforce the particular right. To

take the example of free speech for students, there must be some law, rule, or policy that specifies this right. There must be a forum for determining when a particular case is one of free speech or not. Finally, there must be a way for students to have that right enforced when it is violated.

Legal rights arise out of normative rights. When enough people begin to believe that some rights ought to belong to them and are prepared to work vigorously to have it established in law, legal recognition of the right may follow. Note that it is people's sense that things are not right as they stand, and their willingness to work for change, that may bring changes in law and subsequent changes in recognized rights.

Consider rights for people with physical disabilities. For many years, their ability to enter buildings, to hold jobs, and to be part of normal life were simply not seen as rights. Gradually the climate of opinion began to shift. Advocacy groups worked hard to make the point that physical disability ought not to deprive people of their ability to live in, contribute to, and reap the benefits of Canadian society. A great deal of effort, over many years, went into persuading governments and the public that current practices were unfair and should be changed. As this belief became more widespread, legal recognition slowly followed. Laws were passed prohibiting discrimination in jobs or housing on the basis of physical disability. Schools began to integrate children with physical disabilities into their classes. People were able to bring about changes in law and policy that reflected and influenced changing social attitudes.

The legal recognition of normative rights is by no means automatic. Everyone can recognize that there are many situations, in Canada and elsewhere, where something widely regarded as a normative right is not yet a legal right. In many parts of the world, even the most basic human rights are not respected. And even the formal recognition of a right in law does not mean that the right will always be protected in practice. Various laws that protect rights are regularly violated, either deliberately or unintentionally – hence the need for courts to resolve disputes about issues of rights.

Rights, like other legal issues, involve conflict. The claimed rights of one person or group often conflict with the claimed rights of some other person or group. With respect to schools, it is clear that provincial governments, school boards, school administrators, teachers, parents, and students all have some rights. It is easy to see that these parties will disagree about many issues. For example, if provinces can prescribe curricula that teachers must teach, then teachers do not have a right to academic freedom, parents do not have a right to determine what their children learn, and students do not have a right to pursue their academic interests. Conflicts are inevitable.

Another important way of thinking about rights exists in the distinction that can be made between procedural rights and substantive rights. To put it simply, a procedural right is concerned with *how* things are to be done while a substantive right concerns *what* is to be done. Take a situation in which a student was suspended from school for challenging something a teacher did. The student might have been given the opportunity to attend a hearing and to make a statement in his or her own defence, thus honouring the student's procedural right to "a fair trial." On the other hand, the substantive right to be free from punishment simply for expressing an opinion may have been violated. The most important procedural right is what is usually called natural justice, which was discussed previously. Procedural rights are important, but without substantive rights they are insufficient.

A third distinction is between negative rights and positive rights, or, as they are sometimes termed, option rights and welfare rights. A negative right is the right to do something free from restraint; hence, it involves a choice or option. The rights to free speech and free assembly are examples of negative rights; you can exercise them if you wish to do so. Positive or welfare rights, on the other hand, involve the right to have or receive something. The right to education, for instance, can exist only if educational services or programs are available. Thus, positive rights imply an obligation on the part of somebody other than the holder of the right – often

the government – to do or provide something to enable people to exercise their rights. Western societies such as Canada have tended to give more weight to option rights than to welfare rights.

A fourth way of thinking about rights has to do with individual rights and collective rights. Respecting the rights of an individual may impose constraints of some kind on the collectivity, whether it be a class, community, or country. For example, providing education to children with acute health concerns can be very expensive, but is borne by the community to meet the child's right to be educated. As well, the collective rights of minority language and religious groups may be protected even if they do not coincide with the wishes of the dominant majority.

Finally, one can distinguish between personal rights and property rights. Personal rights (e.g., freedom of speech and religion, the right to vote) belong to all individuals who are members of the society. Nobody has more or less of these rights than anybody else. Property rights, on the other hand, belong only to those who have property. They accrue not because of who one is, but because of what one has. Those who have more possessions will also have more rights. Historically, property rights have often taken precedence over personal rights. The right to vote, for example, was for many years restricted to those who held property. Property rights have also been used in the past to limit the rights of workers to form unions, to bargain collectively, and to strike. Indeed, the rights of property owners have often been used to restrict the ability of governments to take action on behalf of the collectivity.

4.7 The Charter of Rights and Freedoms

In 1982, as part of the new Constitution, Canada adopted the **Charter of Rights and Freedoms**. It did so only after a great deal of debate over whether a constitutional statement of rights was desirable.

Canada has a mixture of legal and political practices and institutions drawn from many sources (British, French, American), which were themselves drawn from earlier Roman, Greek, and Indigenous practices and ideas. The British legal tradition has no formal constitution, and no set of rights that are defined by a single legal document like the *Charter*. Instead, rights in Britain have emerged gradually, primarily through political and legal processes; that is, the British Parliament has made laws that have either given or extended legal rights. The American system, on the other hand, began with a set of legal rights enshrined in the *Constitution*, and has since relied on the courts for interpretation and enforcement. Some people feel that the American approach provides stronger protection of rights because legislatures may be swayed by short-term political considerations to act in ways that limit people's rights (especially the rights of minorities, who may have little political power). Others feel that it is a mistake to give lawyers and judges so much authority to shape our society. They argue that elected officials rather than appointed judges (who are not accountable to the public for their decisions) ought to be responsible for the important task of determining rights. After considering both systems, Canada opted in 1982 for a written charter, closer to the U.S. model.

The *Charter* outlines a number of rights that all Canadians have. Before discussing these rights, it is important to note some limitations that apply to them all, the most significant of which is

the fact that the *Charter* applies only to the acts of government or governmental agencies; individual citizens and corporations are not required to abide by its provisions. Thus, a private company cannot be sued under the *Charter* for discriminating on the basis of sex, but a school or school district, because it is a government agency, can be sued on those grounds.

All rights in the *Charter* are potentially limited by Section 1, known as the limitations clause, which allows “such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” In interpreting the *Charter*, as is the case in many other legal issues, courts give weight to the concept of reasonableness. They have to decide if particular actions or decisions made by people or organizations can be considered reasonable. An interpretation always involves judgments about such measures as the state of society and public attitudes. The Supreme Court has handed down a number of decisions that show how Section 1 will be interpreted; decisions that emphasize the requirement that limits be shown to be both necessary and reasonable in relation to the good to be achieved (MacKay et al., 2020).

Sections Relevant to Education

Several sections of the *Charter* have particular relevance to education. Section 2 guarantees to all Canadians freedom of religion, belief, assembly, and association. These rights are, however, quite restricted in schools. Students are clearly not free in schools to say whatever they believe, to associate with whomever they wish, or to be in whatever places they choose. Students are often subject to dress or conduct codes that limit their freedom of expression and assembly. Criticism of school practices and personnel may be considered a punishable offence. School newspapers are often censored by staff members.

A second area of the *Charter* that may have important consequences for schools concerns the provisions in Sections 7 and 11 regarding natural justice. School discipline practices frequently appear to violate principles of natural justice. For example, teachers often accuse students of misdemeanours and impose punishments on them without explaining precisely what the transgression is and without providing an opportunity for the students' position to be heard. In effect, students may be compelled to give evidence against themselves (prohibited under Section 11c). Students are not always presumed innocent until proven guilty by a public and impartial tribunal (Section 11d). Appeal processes may not exist, and so on.

Section 15 of the *Charter* is particularly important for educators in that many practices in schools could be considered to be discriminatory in some respect. Consider a few examples. Public school legislation in most provinces specifies the ages at which students must attend school – typically from ages 6 to 16. Many provincial laws and school acts also end the right of attendance at age 21. Section 15 prohibits discrimination on the basis of age. Is it, then, discriminatory for provinces to require compulsory attendance until certain ages? Is it discriminatory for provinces to deny a right to attend school after age 21? Is it discriminatory to deny students entry to grade 1 unless they turn 6 before a particular date? Or can such limitations be justified as “reasonable”?

Section 15 may raise more questions than it answers. What is meant by discrimination? Is any distinction based on any of the criteria in the section discriminatory? If not, what makes a distinction qualify as discrimination in the negative sense? Moreover, Section 15 – which allows discrimination if its goal is the “amelioration of conditions of disadvantaged individuals or groups” – invites questions of what is meant by ameliorating, and how we would judge whether a particular measure is ameliorative.

Section 15 also prohibits discrimination on grounds of mental or physical disability. Is it, then, discriminatory to create separate classes for learning disabled, cognitively challenged, or medically fragile students? Some might argue that these provisions are not

a violation of the *Charter* as they are intended to improve opportunities for these students, thus falling under the exception in Section 15(2). But do separate classes improve the situation for students? Most separate classes for students with exceptionalities have been eliminated on the grounds that they did not provide the most effective education. However, the Supreme Court has ruled that such separate classes are not necessarily discriminatory (Box 4.7.1).

Impact of the Charter

Various issues raised under the *Charter* can arouse strong feelings in people. Some educators feel that the *Charter* will limit their professional autonomy and judgment, will make discipline in the schools too lax, and will give too many rights to minority groups, with the cost being borne by the majority.

What the *Charter* means in practice is determined by decisions made by Canadian courts, and especially the Supreme Court. Generally speaking, the courts have been relatively conservative in interpreting the *Charter*. They have supported many restrictions on freedoms as being required by other, equally important social needs, and therefore as falling within the “reasonable limits” clause of Section 1. The courts have tended to give considerable weight to the opinions and knowledge of professional educators (MacKay et al., 2020). Courts that have overturned current laws or practices have often stated what is inappropriate, and they have suggested that the appropriate legislative body frame a new law that would not be inappropriate. For example, in the matter of minority language rights in education, courts in Ontario, Alberta, and Manitoba have all said that the then-existing provisions did not meet the requirements of the *Charter*. But not one of these courts has told the province in question just what it should do to meet those

requirements; that responsibility has been left to governments and to the political process.

Box 4.7.1

Some Legal Cases Related to Special Education Placement

1. In the case of *Eaton v. Brant*, parents of a child with cerebral palsy attempted to overturn the school board's decision that their daughter could not be cared for properly in a regular classroom. The Supreme Court ruled in 1996 that excluding a disabled child from a regular class even when the parents disagree is an acceptable form of discrimination provided that it is based on a careful assessment of the best interests of the individual child (Supreme Court of Canada [1996, S.C.J. No. 98]).
2. A group of parents in British Columbia went to court in an effort to have the government fund the Lovaas Autism Treatment for their children. The court declared that by not providing adequate support for available and effective treatment of autism the government had failed to accommodate the disadvantaged position of autistic children in violation of their rights under Section 15(1) of the *Charter* (*Auton v. British Columbia*, July 6, 2000, cited in *Entitlement to particular special education program*, October, 2000).
3. In an Ontario Supreme Court decision (2003), the application judge concluded that, like all other students, a student with an exceptionality did not

have a vested right to attend any particular school within the jurisdiction of the Ottawa–Carleton District School Board. In fact, the Board had the authority to transfer students, including students with exceptionalities, for safety reasons, even if the transfer had the effect of changing a pupil's placement while an appeal in respect of that placement was outstanding, as long as the transfer was made fairly and with just cause.

4. In 2012, the Supreme Court of Canada ruled on a case in which a student with a severe learning disability left the British Columbia public system to attend a private school subsequent to the school district's decision to close a separate special program (*Moore v. British Columbia*, 2012 SCC 61). Jeffrey Moore's parents filed a complaint to the British Columbia Human Rights Commission alleging discrimination based on the fact that the public school system closed the special program without replacing it with an appropriate alternative, thereby denying their son's right to an appropriate education. In its ruling that upheld a finding of discrimination, the Supreme Court stated, "adequate special education, therefore, is not a dispensable luxury. For those with severe learning disabilities, it is the ramp that provides access to the statutory commitment to education made to all children..."

The *Charter* has clearly had some impact on education and will continue to do so. It has made people more aware of the extent to which issues of rights are important in thinking about the way schools are organized and operated. There is more thought given

now to how students, parents, and teachers might feel about a particular policy or provision. Increasing legitimacy is being given to the right of parents to have some input into school policies, and principles of natural justice are playing a more prominent role in school policies. We can expect this trend to continue, with the *Charter* acting to change schools gradually rather than quickly. The end result may be schools that are significantly different in their treatment of rights (Clément, 2018).

4.8 Laws Affecting Teachers and Schools

The way laws are applied to schools differs, in some important respects, from the way they are applied to other settings. The fact that schools are charged with the education of young people has affected the way courts have applied the laws. So far, Canadian courts have been willing to permit schools to act in ways that would not necessarily be permitted in a workplace or similar setting because of the schools' educational responsibilities. But beyond this, the nature of education also requires teachers to ask about how they should deal with legal matters.

First, schools are unlike other organizations because they create “offences” that would not be considered wrong or that would not be subject to punishment in other social settings. For example, going to the bathroom at the wrong time can be an offence in a school, whereas it would rarely be considered so in other places. The same is true of being discovered in the hallway during classes, talking out of turn, or copying someone else's work. In a setting where large numbers of young people are required to attend, and are supervised by relatively small numbers of adults, some rules will be necessary to keep order. The question facing educators is one of the appropriate balance between the requirements of order and the degree of freedom necessary for effective education.

The educational task of schools also imposes obligations on educators that might not be found in another environment. In an educational setting, everyone should be concerned with the development of students as persons – with their intellectual and moral growth, not simply their behaviour. We don't want students merely to comply with our instructions; we want them to understand why these instructions are necessary, and why it may

be in their best interest to do as they are asked. This means that educators have a constant obligation to try to teach students.

Any event in the school, a transgression by a student can be seen as an opportunity to educate the student. For example, if a student is suspected of plagiarizing, a teacher might want to use the opportunity to discuss with a class what plagiarism means, why it is wrong, and what the conventions are in citing other people's work. It may well be more important to have all students learn from a situation than to punish one student for doing something inappropriate. Thus, what is required for educational purposes may not be the same as what a strict view of the law might demand. Because schools are institutions that are supposed to care about students, many teachers would want to think very carefully about the best course of action when a student is suspected of a crime. Do teachers simply call the police, or do they try to work with the student to help him or her cope with the problem? Teachers' moral obligation to help students may at times conflict with the narrower legal aspects of a situation; those may push teachers to act as agents of the state rather than with the care implied in being a parent (Doctor, 2013a, 2013b). Some theorists have termed this the tension between an ethic of justice and an ethic of caring (Noddings, 2010).

As well, if the school is to fulfil its mandate to prepare students for citizenship, it must surely have a role in educating them about their rights and responsibilities. It is difficult to see how students can become responsible adults if, while in school, they are not informed about issues of rights, or if their opportunity to learn to exercise rights and responsibilities, and to participate in political processes, is highly restricted.

Closely related to all of these points is the changing legal status of children. At one time, children were seen primarily as the property of their parents, and very few controls were placed on what parents could do to and with them. Children are accorded significance as persons with full legal rights even though they are not legally adults. The legal system has responded to changes in social values by acknowledging children's status as persons whose legal interests

may be separate from those of parents or schools. The state, meaning the government, has gradually assumed increasing authority to intervene in the affairs of families to protect the rights of children. The enacting of child protection legislation is only one example of this long-term and important trend.

The Legal Status of Teachers

Teachers act as educational state agents (Doctor, 2013b; MacKay et al., 2020) who are recognized in law as having a certain degree of authority over the students in their charge. This authority comes from statute law (where provincial school legislation, as well as a variety of other pieces of related legislation, recognize teachers' powers and duties) and also from case-law precedents. The enterprise of education is recognized by the law and the courts as requiring that adults have the ability to supervise, control, and discipline young people. Traditionally, teachers have been said to stand *in loco parentis* – that is, to have within the area of their responsibility the same authority over students as would a reasonable and careful parent, and to be expected to act, at minimum, in such a manner. Today, the idea that the authority of the teacher stems from the doctrine of *in loco parentis* has been substantially supplemented, and perhaps even supplanted, by the legal duties and requirements of teachers acting as agents of the state. The role of parents has also changed, and governments have come to play a more important part in family-school relations. However, in certain areas, such as that of teacher negligence and liability, the comparison of the teacher to the reasonable and careful parent, and, in certain cases, to a “reasonably competent professional” remains a critical legal judgment. The developing use of this standard is found in Canadian case law as far back as *Thornton et al. v. Board of School Trustees of District No. 57 (Prince George)* (1976) and *Myers v. Peel (County) Board of Education* (1981).

Both cases established the duty of care for a teacher in a gym class, with the standard varying depending on the circumstances and therefore open to modification, as that of a “prudent and careful parent having the supra-parental expertise that is demanded of a gymnastics instructor.” This “supra-parental expertise” suggests that case law has begun to evolve the level of standard from *in loco parentis* to that of the reasonably competent professional.

4.9 Physical Safety

Negligence and Liability

Teachers are expected not only to educate students but, like parents, to take responsibility for their safety and well-being. Parents send their children to school believing that the school will take reasonable precautions to safe-guard their children from physical or mental harm. However, as might be expected when large numbers of people are involved, accidents and tragedies do occur. Over time, a body of law has grown that helps determine what the responsibilities of schools are for keeping students safe. The law governing these matters is not found in statutes, but in the common law of court decisions and precedents created over many years.

When a student is injured while under the care of the school, an attempt is made to assess responsibility for the mishap. If the school or one of its employees can be found to be negligent, then the family may be able to claim financial compensation for its loss. The amounts of compensation can be quite substantial. For example, if a student is paralyzed, he or she will need lifelong care and support, which comes only at a high price. If the school is at fault, it may be required by the courts to provide these funds.

Vicarious Liability

Although negligence is normally the result of some individual's action or lack of action, in the case of teachers and schools the school district usually assumes the legal liability. Therefore, even though a student may have been injured while under a teacher's

care, it is the school board that will be sued (if there is a lawsuit) and the school board's insurance coverage that will pay for any damages. This is known as vicarious liability (the employer assumes the liability for the actions of employees).

If, however, the teacher acted negligently, the school board can, in certain situations, in turn sue the teacher to recover its costs. If a teacher drove students on a field trip and was involved in an accident in which students were injured, the school board would normally assume the liability. But if the teacher had consumed alcohol above legal limits at the time, the board might be able to sue the teacher personally to recover the damages it may have had to pay to students' families. Vicarious liability is thus an important but not a total protection for teachers.

The Meaning of Negligence

The concept of *negligence* implies three things. First, there must be a legal duty to care, which means a duty to act in a way that avoids causing harm to others when such harm might reasonably have been foreseen. Teachers would normally have such a duty toward their students during school hours or school activities. Second, negligence can occur only when there is a breach of the duty to care. That is, the person's actions must be inconsistent with what we would ordinarily expect from a reasonable, caring individual. Finally, some harm or actual damage must result from the breach. There can be no legal finding of negligence if there is no harm, or if the harm did not result from the breach of duty. To take our earlier example, the drunken teacher would not be legally guilty of negligence if no accident – and thus no student injuries – had occurred. Nor would the teacher be liable if the injury occurred through some cause other than that teacher's drunkenness (That such conduct is unprofessional and the teacher likely to be punished by the school district is a separate issue). Harm, however,

is not necessarily confined to physical injury. A psychological trauma suffered by a student might well be considered to be as important a harm as a physical injury.

These principles seem clear, yet their application in particular cases can be very difficult. Just how far does the duty to care extend, for example, and what kind of behaviour constitutes a breach of it? If children are playing on the school playground, how closely must they be watched? What about children on their way to or from school? What about students working with tools in a school workshop?

In the courts, situations such as these tend to be decided on questions of what is reasonable. The courts have generally held that teachers should act toward their students as would a “careful and judicious parent,” although it has also been recognized that teachers are responsible for many more children at any given time than are most parents. In making a determination of appropriate care, among the factors that may be considered are the number of students being supervised; the nature of the activity; the age, skill, and training of the students; and the nature and condition of any equipment. Taking all of these into account means that it is very difficult to generalize as to what conduct may or may not be considered negligent; however, Box 4.9.1 includes supervision standards created by the Ontario Principals’ Council that offer guidelines for student supervision.

Thus, teachers of younger students would be expected to exercise more careful supervision of, say, students crossing a street than would teachers of older students. While the courts have held that schools should provide adult supervision of playgrounds, they also acknowledge that the school district cannot be expected to maintain careful watch over every student at every moment. In a school workshop equipped with power tools, careful attention to the inherent dangers associated with such equipment is necessary. Teachers would be expected to provide clear instructions to students regarding safety procedures in operating equipment and would be obligated to provide adequate supervision while such tools

were being used (Wickens, 2011). A key point in this regard is that legal precedents have indicated that teachers must expect that children may behave foolishly or recklessly, and so extra precautions must normally be taken to guard against injury (Box 4.9.2). For example, potentially dangerous chemicals would need to be locked carefully away when not in use, even if students had been warned that they were dangerous and should not be handled or ingested. The warning itself would be an insufficient safeguard, given that students might act contrary to it.

Box 4.9.1

Supervision Standards for Ontario's Schools

1. Only trained staff shall be given supervisory responsibilities in a school.
2. A supervision ratio of staff: student must fall within the following ranges:
Junior Kindergarten/Senior Kindergarten: 1 supervisor for 8-20 students
Elementary: 1 supervisor for 50-100 students
Secondary: 1 supervisor for 100-150 students
3. In elementary schools, at no time shall there be fewer than 2 supervisors (within direct line of sight of each other) during recess, lunch and before and after school.
4. Elementary supervisors must have continuous and direct sightlines of the students they are supervising.
5. Supervision duties cannot erode instructional time. For example, Educational Assistants must not be assigned to supervision duties if it will conflict with

the instructional time of special needs students.

6. Students shall not be used to supervise other students in the absence of a teacher.
7. Junior and Senior Kindergarten students in separate designated play areas require separate/ additional supervision.
8. Younger students should be separated from older students while playing in the playground, due to the increased possibility of injury.
9. Play structures require separate supervision.
10. While students are eating, each enclosed room must be supervised separately.

Source. Ontario Principals' Council, (2007). Supervision Standards for Ontario's Schools.

Field trips are another area where risks of negligence have occurred. Although securing parental permission forms prior to departure may well be advisable, such forms in no way diminish a school's responsibility for student care; nor do they prevent a parent from successfully suing if the school is shown to have been negligent. The courts have held that people cannot sign away their basic legal rights; therefore, a permission slip does not absolve the school from its obligation to safeguard students' welfare.

Teachers' liability for the safety of their students in school is also related to their status as occupiers and students' status as invitees. Occupier's liability relates to the law that covers the liability of an owner or occupier of buildings and grounds for injuries suffered by people while in the buildings or on the grounds. Depending on the reasons for a person's presence on a property, the courts recognize three hierarchical categories of persons: invitees, licensees, and trespassers. Students in schools fall into the category of invitee, which requires the highest standard of care from teachers as

occupiers and school boards as owners. As such, teachers and school boards have a duty to take reasonable steps to ensure that the school premises are safe. They have a proactive responsibility on their part to inspect the premises regularly for hazards that might endanger students. Children who visit school grounds on weekends – and not for the purpose of school-organized activities – would more likely be classified as licensees, in which case the duty of care is reduced. Children breaking into a school would be categorized as trespassers. Here the duty of the occupier is minimal, limited essentially to not deliberately creating hidden dangers or traps to injure the trespasser.

Box 4.9.2

Liability Cases

1. In a British Columbia case, a student had broken his leg in a skiing accident weeks prior to an incident on a school soccer field where he slipped and rebroke his leg even though he was not participating in the physical education class at the time. His physical education teacher examined his leg and even though the student told the teacher he thought he had rebroken the leg, the teacher directed him to walk back to the school to call his mother. It was alleged that the school board was liable under the principles of occupier's liability in its duty to maintain the soccer field in a safe manner, and was vicariously liable for the teacher's negligence in requiring the student to attend the class and also with regard to the post-injury care. The school district was not

found to be liable under the principles of occupier's liability, but was vicariously liable for the negligence of the teacher. The teacher was found not to be negligent in allowing the student to attend physical education classes, but was found negligent in requiring the student to walk back to the school unassisted. The court awarded the student damages of \$1500.00.

2. In a British Columbia case, two students climbed a tree located near the school roof and started running across the roof. A teacher heard the noise and yelled to the boys to get off the roof. The boys decided to get off the roof by using a fence not in view of the teacher's window. One of the students fell to the bottom of a cement stairwell and was seriously injured. Another teacher found the student who was hospitalized for two weeks. The mother of the boy filed a lawsuit against the School District under the BC *Occupier's Liability Act*. The Board was found to be 75% liable for the student's injuries, while the student was found to be 25% liable. The Court suggested that the School Board may have reasonably foreseen that a student might climb the tree to access the roof, and fall. This was supported by statements from the principal who noted that in the recent past unauthorized individuals had been accessing the roof. In addition, there was no indication that the school regularly monitored roof access points (Tannahill, 2014).
3. In a precedent-setting trial court case ruling in 2020, the Trillium Lakeland District School Board was found vicariously liable for the sexual abuse of a

student perpetrated by a teacher, ordering the teacher and the school board to pay more than \$500,000 in damages. This is the first time that a school board was held vicariously liable for a sexual abuse, first by failing to support the student after her allegation to administrators about the abuse, and second, by failing to immediately remove the teacher.

More extensive discussions of various aspects of liability can be found in MacKay et al. (2020), *Teachers and the law: Diverse roles and new challenges*. In cases of liability, as in so many other areas of law, the facts of a particular case (and their interpretation by a court) are as important as any principles. Teachers need to take issues of care and liability seriously, but not become so worried about negligence that they forget their primary duty to provide education to students.

4.10 The Youth Criminal Justice Act

The *Youth Criminal Justice Act* (YCJA) is a federal legislation that deals with criminal justice for youths aged from 12 but not yet 18. This legislation, passed by the House of Commons on February 2, 2002, replaced the *Young Offenders' Act*. It outlines the federal framework for dealing with youth criminal justice in terms of extrajudicial measures, organization of the youth criminal justice system, judicial measures, youth sentencing, custody and supervision of offenders, and publication, records, and information. What is perhaps most important in understanding the measures outlined in the act is its articulation of the rationale for interpretation, which is found in the preamble. The Department of Justice Canada, in its summary of the *Youth Criminal Justice Act* <www.justice.gc.ca>, paraphrases the preamble by suggesting that the act is underpinned by the following values:

- Addressing the needs of youth is a social responsibility;
- Collaborative partnerships between communities, families, and others to address the underlying causes of youth crime with a focus on prevention, guidance, and support;
- Publicly available accurate information about youth crime, the youth justice system, and effective measures;
- The recognition of rights and freedoms of youth including those found in the United Nations' *Declaration on the Rights of the Child*;
- Taking into account the rights of victims, and to promote accountability through meaningful consequences, rehabilitation, and integration; and
- Reducing the over-reliance on incarceration.

An example of how these values may be enacted was exemplified in

the case of a 15-year-old girl from Saskatoon who pleaded guilty to assaulting a 14-year-old teenager in a beating near some elementary schools where over 100 youths had gathered to watch a series of student-organized fights (CBC News, 2005). The beating was caught on video and circulated via the Internet. A sentencing conference was held to examine the root cause of the incident for the girl, who had no prior criminal record. Those who are invited to attend such conferences typically include the judge, lawyers, a probation officer, a moderator, the families of the accused, and the victims.

However, the YCJA does also uphold the possibility for youth to be liable for an adult sentence if the youth is over the age of 14 and the offence is such that an adult would be liable for imprisonment for more than two years. In 2019, for example, the Saskatchewan Court of Appeal upheld the adult life imprisonment sentence with no chance of parole for 10 years for the youth responsible for the school shootings in Laloche, Saskatchewan in 2016. At the time of the murders, he was 17 years old.

The provisions of the YCJA have major ramifications for the ways in which teachers and administrators work with youth offenders; victims of youth crime; individuals and/or organizations outside of education who have an interest in the prevention, sentencing, rehabilitation, and/or supervision of offenders; and how privacy and records are managed.

4.11 Child Protection

All provinces have enacted legislation that requires any adult to report to the police or to child welfare authorities a suspicion that a child is being abused physically, sexually, or emotionally. This legislation is not part of the legislation on schools, and is usually the responsibility of agencies other than schools, most often child-welfare agencies. Because teachers have so much contact with students, they are often the first or the only adults to suspect that a child is being mistreated.

The increasing attention that is being given to child protection is also part of the gradual but important change in our attitudes toward children, which was discussed earlier in this chapter. When dealing with suspected cases of child abuse, there are several legal points for teachers to remember:

1. You are required by law to report your suspicion of abuse, even if you do not have any concrete evidence to support your belief.
2. You must make a report to the legally stipulated authority, usually the police, or to the child welfare authorities; reporting only to your principal is not sufficient.
3. You can be found guilty of a crime if you have knowledge or suspicion of abuse and do not report it to the proper authorities.
4. Your identity will not be disclosed to the person who is suspected of committing the abuse.
5. You cannot be punished or prosecuted for making a report that proves to be incorrect, as long as you did so in good faith.

The Canadian Child Welfare Research Portal < <https://cwrp.ca/policy-legislation> > is an excellent website for access to policy and legislative documents relating to child welfare at the federal, provincial, and territorial levels.

A discussion of the legal aspects of child abuse, however, hardly begins to raise all of the other important elements of the matter. For instance, what constitutes a strong enough suspicion to justify reporting a suspected case of abuse? After all, many of the possible symptoms of abuse, especially in regard to emotional abuse or neglect, might be found in most children at one time or another. What if a child does not want to have the abuse reported for fear that the family will be torn apart by an accusation? What if the report is made, but there is not enough evidence to warrant criminal charges? (This is a real concern with child abuse since the sole evidence for the allegation may be the unsubstantiated word of a child, which does not have the same force in a court of law as does the testimony of an adult). What if no charges are laid, but the abusing adult is provoked into greater abuse by the fact that an investigation is being conducted? These are some of the concerns that a teacher must consider in regard to a suspected case of abuse, but they do not negate any of the legal requirements to report.

Particularly troublesome for teachers is the matter of suspected abuse committed by teachers or school administrators. These accusations usually involve alleged sexual abuse, which can mean anything from inappropriate touching of the student to sexual intercourse between a teacher and a student. Because teachers are in a position of trust the accusation is particularly serious. Frequent practice in such cases is to suspend the teacher from duty, or to reassign the teacher to duties that do not involve teaching, until the allegation is resolved. A school board could fire a teacher accused of abuse but not convicted of the offence if the board felt that it had reasonable grounds for believing the teacher was guilty. However, police and Crown attorneys usually do not lay criminal charges of abuse unless they feel they have enough evidence to make a conviction a realistic possibility. At a minimum, teachers convicted of abuse will normally have their teaching certificates revoked, prohibiting them from being teachers, as well as incurring any criminal sentences related to the nature of the charge. The Ontario College of Teachers provides a valuable Professional Advisory

document to its members entitled, *Professional Misconduct of a Sexual Nature* (Ontario College of Teachers, 2019) which outlines “teachers’ responsibilities to govern their conduct according to professional standards, provincial law and the *Criminal Code*”. As in cases of negligence, a teacher who acts with reasonable care and prudence is unlikely to find himself or herself in difficulty. Hugging or holding primary-age children, or offering emotional support in times of need, for instance, is a common and justifiable practice, recognized as such by the courts. On the other hand, teachers need to be conscious of increasing scrutiny on this matter as media attention and reports such as that of the Truth and Reconciliation Commission (2015) publicly acknowledge that students have been victimized by educators in roles of authority. It should also be noted that codes of professional ethics exclude reporting abuse from the requirement that one first talk to a colleague before making any complaints against him or her – the duty to protect a child is considered more important than the professional duty of confronting a colleague.

As in other matters raised in this chapter, the legal requirements vis-à-vis child protection, while valuable, do not solve the most troubling problems. No set of rules can fully substitute for professional judgment.

4.12 School Attendance: The Right to Education

There is some debate among educators and lawyers as to whether people have a right to education, or whether education is something the state provides at its discretion. The *United Nations Universal Declaration of Human Rights* and the *United Nations Convention on the Rights of the Child* both treat education as a right, but provincial legislation in Canada is inconsistent, with some provinces using the term “right” and other provinces simply talking about education being provided. Nonetheless, most people tend to think of schooling as something to which we have a right (Box 4.12.1).

Education statutes talk about the right to attend schools, not the right to receive an education. This distinction is an important one for two reasons. First, it implies that schools do not have a legal obligation to ensure that students benefit from attending. Schooling must be made available, but whether the student learns is apparently not a matter of law. No Canadian court has ruled in favour of alleged educational malpractice for quality of instruction or failure to provide an appropriate education. Secondly, the statutes imply that students do not have a right to forms of education other than those the schools provide. If, for example, a student contended that he or she learned best in an informal, on-the-job setting, or at home, or through working in a library, legislation does not suggest that the schools have any legal obligation to provide education in these types of alternative settings. The issue of appropriate placement for special-education students, discussed later in this chapter, is a particularly interesting instance of what schools are required to do to meet the needs of students.

Interestingly, however, the COVID-19 pandemic that began in 2020 greatly reshaped how school boards enacted educational

service delivery, with mass changes to virtual learning platforms and scheduling shifts to more emphasis on block schedules. Though at its beginning these shifts were the result of a massive social crisis rather than a legal one, the consequences of the pandemic have implications for future policy and legislative change related to student attendance and discipline, appropriate education, teacher rights and responsibilities, and even system governance.

Box 4.12.1

Legislative Provisions Governing the Right to Schooling

Alberta Education Act, 2012,

3(1): “Every individual (a) who at September 1 in a year is 6 years of age or older and younger than 19 years of age, and [who is a resident of Alberta and who has a parent who is a resident of Canada] is entitled to have access in that school year to an education program in accordance with this Act.

“3(2): A [school] board may permit an individual [who is younger than 6 or older than 18] to have access in that year to an education program in accordance with this Act.”

Quebec Education Act, 2020,

1: “Every person is entitled to the preschool education services and elementary and secondary school instructional services provided for by this Act... from the first day of the school calendar in the school year in which he attains the age of admission to the last day... in the school year in which he attains 18 years of age, or 21 years of age in the case of a handicapped person....

“The age of admission to preschool education is 5 years

on or before the date prescribed...; the age of admission to elementary school instruction is 6 years....”

A further interesting feature of the right to education is that this right is, in fact, compulsory. For example, in 2011, Manitoba increased its compulsory attendance law to the age of 18 from 16. Most rights are available to people who wish to exercise them, but school attendance is different because it is legally required. It is worth thinking about why our society would want to force people to exercise a particular right. Compulsory attendance clearly implies that the benefit of education extends beyond the individual to society itself, and that this larger benefit is sufficiently important to require universal attendance. Furthermore, understanding of the compulsory-attendance provisions in schools must take into account the history of schooling in Canada, and the view commonly held by the governing class in the nineteenth century that children must attend school to be taught the behaviour and values that would enable them to fit into society. It was not necessarily the school's function to teach children the values of their parents and families. The fact that many youth criminal sentences make school attendance one of its provisions adds another layer to the intricacies of working with youth who have criminal records. Whether compulsory attendance can be justified legally under the *Charter* is an interesting but, as yet, unexplored question.

Home Schooling

Closely related to the issue of compulsory education is the matter of home schooling. Although home schooling remains a small percentage of overall school-age enrolments (0.4%), it is on the rise,

with estimates ranging from 16,773 in 2006/07 to 21,662 in 2011/12 (Van Pelt, 2015). This is usually because the parents have strong objections to some aspect of public schooling. Such objections can be religious in nature (parents may want their children educated in a particular religious tradition, such as Judaism, that the schools do not follow) or philosophical (parents may not like the way in which schools provide education). However, it is also the case that some families choose home-schooling due to lifestyle choices related to practicality, virtual possibilities and improved curricular and organizational supports (Van Pelt, 2015).

Most provincial legislation in Canada gives parents the option of educating their children at home, as long as the education provided is approximately equivalent to the standard found in the public schools. Provinces have been easing restrictions on home schooling, and many now require schools to support parents who are home schooling (Box 4.12.2).

Box 4.12.2

Legislative Provisions Governing Home Schooling

Ontario Education Act, 1990,

21(2): “A child is excused from attendance at schools if (a) he [sic] is receiving satisfactory instruction at home or elsewhere....”

Saskatchewan Education Act, 1995,

c. E-02, s. 157: “A pupil may be exempt from attendance at a school where: ... (c) the pupil is receiving instruction in a registered home-based education program.”

Manitoba Public Schools Act, 1987,

c. P250, 260. “1: Every parent of a child of compulsory school age shall ensure that the child attends school.

- “260.1 (1) *Notification to the minister*: The parent or guardian of a child who is a pupil in a home school shall, in the prescribed form, notify the minister of the establishment of the home school.
- “260.1 (2) *When notification to take place*: The parent or guardian shall, in the prescribed form, notify the minister about the home school when it is first established and on or before September 1 in each year.
- “260.1 (3) *Information to be provided to minister*: Within 30 days after a home school is first established and on or before September 1 in each year, the parent or guardian shall provide the minister with the following information:
 - (a) the name and birth date of each pupil in the school;
 - (b) the name of the school or school division each pupil would otherwise attend; and
 - (c) an outline of the education program and grade level for each pupil.
- “260.1 (4) *Periodic progress report*: The parent or guardian shall provide the minister with periodic progress reports on each pupil in the home school. The reports must contain the information and be provided according to a schedule determined by the minister.”

4.13 Maintaining Order in Schools

We noted earlier that, in an attempt to maintain order, schools create various rules and place restrictions on students that are not ordinarily found in other social settings. Examples include rules governing movement (where students can be), privacy (lockers, personal possessions), appearance and dress, and conduct (smoking, fighting, taking turns). Canadian courts have consistently upheld the rights of schools to restrict students' behaviour for the purpose of maintaining an orderly atmosphere in the school.

However, the courts have also begun to insist that such rules have some clear justification, and that their application must respect students as persons. School authorities need to show that the limitations placed on students are indeed necessary for the orderly conduct of schools. Tolerance for rules that are set and enforced in an arbitrary fashion is diminishing, and greater attention is being paid to principles of natural justice. This may mean that rules need to be clear and specific rather than vague and general, that students have to be informed of the rules in advance, and that some procedure for review or appeal of decisions may be required (Dickinson, 2009). Examples of these developments as they relate to issues of order and discipline can be seen most clearly in the handling of some of the more extreme situations in schools, which are discussed in the following sections.

Search and Seizure

Canadian students, like all other Canadians, have the right to be free from illegal and unreasonable search of themselves or their

possessions by virtue of Section 8 of the *Canadian Charter of Rights and Freedoms*. Usually, courts must balance this right against the public's right to be protected from crime and wrongdoing. Court decisions in Canada have supported the right of school administrators to search students or their property when there are reasonable grounds for suspecting some wrongdoing. For example, the right of a principal to search the clothing of a student who had been observed with illegal drugs was upheld by a court (Dickinson, 2009), and the Supreme Court ruled in 1998 (*R. v. M.* [M.R.] 3 S.C.R. 393) that school officials (in this case, a vice-principal) do have the right to search students and seize prohibited items (in this case, drugs) when it is necessary to provide a safe school environment and maintain order and discipline in a school. In fact, the Supreme Court spoke of how the education acts of each province infer the right of teachers and administrators to search and seize: "[T]he responsibility placed upon teachers, and principals to maintain proper order and discipline in the school and to attend to the health and comfort of students by necessary implication authorizes searches of students" (*R. v. M.* [M.R.]). The Supreme Court also clarified that teachers and administrators do not need a warrant if they are conducting a search or seizure independently of the police. Reasonable grounds for school personnel is a more lenient standard of proof than that needed to be shown by police officers, justified by the fact that teachers and administrators often must deal with situations immediately to protect students and to ensure an orderly learning environment.

However, schools do not have the authority to search students or their lockers arbitrarily – that is, without some grounds for suspicion (Dickinson, 2009). As in other instances, much would likely depend on the facts of the case and the extent to which the teacher or principal had good grounds for believing that the student was engaged in some significant wrongdoing. The greater the invasion of the student's privacy, the more serious the cause must be. As for searches of students' lockers, courts would examine the teacher's or administrator's role of authority, the student's

reasonable privacy rights, and the grounds and procedures carried out in the search. Random searches might well be held to be wrong, while searches of particular lockers where there is a suspicion of, say, stolen goods, might well be upheld by the courts. However, due-process provisions, such as informing the student of the reasons for the search and allowing her or him to be present with a witness, would also be advisable.

The case for searching digital devices such as cell phones and laptops is not as clear. Even though it is recognized that students have a diminished right to privacy at school related to lockers and backpacks given the need for schools to maintain discipline and safety, recent Supreme Court decisions suggest that digital devices need special consideration because of the personal and private information they store (Mondaq Business Briefing, 2018). Two Supreme Court cases of concern relate to police search warrants of premises in which the warrant must expressly state that the search of a computer is authorized, and the search of a cellular phone upon arrest of an individual whereby it was made clear that searches of digital devices should be reasonably related to the nature of the arrest. There is little doubt that the outcomes of these cases will have consequences for the confiscation and search of student digital devices. It is yet to be determined the extent to which students diminished right to privacy in the school setting will apply (Mondaq Business Briefing, 2018).

Disciplining Students

The ability of schools to discipline students comes from two sources, one being the *in loco parentis* status of teachers and administrators in schools. As well, education legislation in most provinces provides specifically for the right of the school and school board to make rules and enforce discipline on students. These statutes are typically silent on what this provision might mean,

and few higher-court cases have applied the *Charter* guarantees to students. On the whole, Canadian courts have, as has already been noted, accepted that schools can make and enforce rules that can reasonably be considered necessary to maintaining order. But in this area too, reasonable provisions consistent with the *Charter* and with natural justice are gradually becoming a standard in schools.

Corporal Punishment, Violence, and the Use of Force with Students

One of the most controversial forms of discipline in schools has historically been the practice of corporal punishment. Canada's *Criminal Code* (Section 43) allows teachers to use reasonable physical force for the purposes of correction against students: "Every school teacher, parent, or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances."

In its constitutional challenge, the Canadian Foundation for Children, Youth and the Law advocated for the abolition of corporal punishment, as have many teachers' associations and other groups of educators. In 2000 the Ontario Superior Court was asked by the Children's Foundation to declare that Section 43 of the *Criminal Code* was contrary to Sections 7, 12, and 15(1) of the *Charter of Rights and Freedoms*. The Canadian Federation of Teachers joined with the Attorney General to argue for Section 43, and the court upheld the Section, ruling that it could be interpreted sufficiently narrowly so as not to contravene the *Charter* ("Reasonable force" provision upheld, December, 2000). The case eventually went to the Supreme Court of Canada, and on January 30, 2004, the Supreme Court ruled that Section 43 was constitutional; that it did not violate a child's right to security of the person and quality; and that it is not cruel

and unusual punishment in situations where the use of force “is part of a genuine effort to educate the child, poses no reasonable risk of harm that is more than transitory and trifling, and is reasonable under the circumstances” (*Canadian Foundation for Children, Youth and the Law v. Attorney General* [Crim.] [Ont.] 2004 SCC 4/ 2004 CSC 4). Over the years, the courts have limited the use of corporal punishment in various ways: the punishment must be for purposes of correction; it must be reasonable given the offence; it cannot leave a permanent mark or injury; it must be suited to the pupil's age; and so on.

The stance on section 43 of the *Criminal Code* is impacted by changes in social values regarding the use of physical punishment. There is less and less public support for corporal punishment, for almost any reason. Many school districts in Canada have prohibited corporal punishment. The sixth *Call to Action* of the Truth and Reconciliation Commission of Canada (2015) (and the first call under the Education section) advocates that “We call upon the Government of Canada to repeal Section 43 of the Criminal Code of Canada” (p. 1). This sends a clear message to the education community regarding the victimization of Indigenous children at the hands of teachers and clergy in residential schools.

While there is considerable consensus concerning the educational inappropriateness of corporal punishment in schools, teachers' associations have recently expressed growing concern about student violence in schools, and about violence directed at teachers (Alberta Teachers Association, 2020; Santor et al., 2019). This has focused greater attention on issues of workplace safety and school security, and to the need for teachers to be protected by Section 43 of the *Criminal Code* when using force against a student for reasons other than punishment. Examples of such a situation might be to restrain a student from harming other people, breaking up a fight, or, defending one's self against a student whose behaviour becomes violent.

The available evidence does not necessarily support the view that violence in schools has increased (Statistics Canada, 2018/2019).

Table 4.13.1, for example, provides Statistics Canada data on the number of cases and decisions in youth criminal courts from 2014/15 to 2018/19, which illustrate that violence rates have actually decreased, though there are critical concerns about the nature of reporting, investigations, and follow-up. Nonetheless, schools have responded to the outcry of public concern by taking two sorts of steps to try to curtail violence – using what might be called educative and disciplinary strategies. Many schools have implemented programs that are aimed at preventing violence by helping students learn to solve disputes through peaceful means, including restitution programs, mediation, peer-counselling, and other conflict-resolution programs. At the same time, many schools and school systems have introduced so-called “zero-tolerance” programs, in which violent actions lead automatically to severe consequences such as suspension or expulsion. Although zero-tolerance policies send a clear message to students and parents about the school’s attitude toward violent behaviour, they do not solve problems. Some provision still has to be made for students who may have been expelled, the causes of the problems are not dealt with, victim’s needs for restitution are generally not met, and cases inevitably arise in which the consequences simply do not fit the supposed offence – for example, bringing a paring knife to school to cut one’s lunch. A balance is clearly needed that protects both students and teachers and allows the school to be orderly without undue coercion.

Table 4.13.1

Youth Court Statistics in Canada, 2018/2019: Number of Cases by Type of Decision

Type of Decision	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019
Total Decisions	33,674	31,718	29,708	27,920	24,132
Transferred to Adult Court	1	0	0	0	0
Guilty	19,111	17,588	15,832	14,226	11,924
Percentage Guilty	57	55	53	51	49
Acquitted	503	471	491	436	414
Stayed or Withdrawn	13,876	13,500	13,202	13,103	11,654
Other Decisions	183	159	183	155	140

Source. Statistics Canada. Table 35-10-0038-01 Youth courts, number of cases and charges by type of decision. DOI: <https://doi.org/10.25318/3510003801-eng>

Suspension and Expulsion

Legislation in each province provides for the suspension and expulsion of students from schools. Suspension is a temporary ban on attending school, while expulsion is a permanent ban. Legislation generally gives the school board the authority to make suspension decisions, and boards delegate that authority by resolution to the school; however, the decision to expel a student permanently can be made only by a school board. School board policies normally spell out suspension procedures, including what provisions of natural justice must be observed (e.g., whether or not the student has the right to a hearing before suspension). Provisions for hearings and appeals before expulsion are found in most provincial legislation.

Schools have had almost total latitude from the courts to suspend

students for any reason the school or school board deems sufficient, ranging from violating rules to committing a crime. One impact of the *Charter* has been to require school boards to be clearer about the kinds of grounds on which a suspension can be justified, and to show how these are required to maintain order in a school. Schools will continue to be able to suspend students who endanger others or who refuse to accept the basic rules of the school. But whether a school could legally defend itself for suspending a student who had spoken publicly against a school policy or criticized a teacher is not nearly as certain.

4.14 Democratic Practice in Schools

The *Charter* guarantees Canadians the right to elect governments. Whether students in schools have such a right has not been argued before the courts. One might think that learning in practical terms about political processes would be an important part of what secondary schools teach. Yet student councils in most Canadian secondary schools are heavily restricted and monitored by school administrators.

Canadian schools have had wide latitude in the past to limit students' rights to express themselves freely and to assemble freely. For example, schools have frequently limited students' right to publish their opinions in school newspapers, to organize political activities in the school, to circulate or read certain kinds of materials, or to dress in ways that make particular kinds of statements. The *Charter* has forced schools to be more careful about how and when they limit students' ability to speak, write and dress for expression, even though there have not been a large number of cases on these matters.

Issues of order illustrate most clearly the dilemma posed by the schools' educational mission. It is hard to see how an institution can inculcate in young people respect for the law and for the rights of others, as well as an understanding of democratic processes, when these same principles are not embodied in the actual operation of the school. If students are treated arbitrarily, subjected to rules they neither support nor understand, and denied avenues for the peaceful expression of their opinions, then surely there is something educationally wrong. There is, of course, a need to keep order in schools, but one must wonder if the educational rationale cited here does not justify greater openness to diverse behaviour and points of view than is found in many schools. Are students'

dress, hair length, or written opinions (provided they are not libellous) so prejudicial to the effective conduct of education that they justify restricting students in ways that would not occur outside the school?

4.15 Teaching Practices

The School Year

Various aspects of the school year, including precise dates, number of professional development days, and holiday breaks, are usually controlled by provincial regulation. School districts may be given some options regarding the organization of the school year, but the most important aspects are provincially regulated. School years differ from province to province in regard to number of days, starting dates, holidays, and professional development arrangements.

Curriculum

In all provinces, the authority to set curriculum is given by statute to the minister of education, meaning, in practice, the Ministry or Department of Education. While some provinces provide much more specific direction than do others in this area, provincial regulations or policies usually specify the courses or subjects to be taught at each level and the amount of time to be given to each course or subject. They may also prescribe certain forms of student evaluation, such as provincial tests or examinations. Provinces generally prescribe sets of authorized textbooks as well, although schools or teachers may have some choice within the overall list. Most provinces provide some curriculum flexibility, allowing schools or school districts to offer locally developed courses (usually following provincial approval). (See Chapter 7 for a fuller

discussion of the curriculum and the notion of academic freedom as it might apply to public school teachers).

Educational “Malpractice”

Although schools and teachers can be and have been sued for failing to safeguard a child’s safety, there has not yet been a successful case against a Canadian school for failing to educate a student – what might be called the pedagogic equivalent of medical malpractice. However, this does not mean that courts will not accept these cases in the future. For example, in the case of *Gould v. Regina (East) School Division No. 77* (1996), the Saskatchewan Queen’s Bench made the following comment:

It is surely not the function of the courts to establish standards of conduct for teachers in their classrooms, and to supervise the maintenance of such standards. Only if the conduct is sufficiently egregious and offensive to community standards of acceptable fair play should the courts even consider entertaining any type of claim in the nature of educational malpractice.

In addition, courts do not dismiss claims involving educational malpractice if the claims also involve issues such as breach of contract or misrepresentation, even though the malpractice claims have never been successful. This may be an area where changing social values, disagreement over the purposes of schools, and what is considered to be reasonable “promises” to provide appropriate educational services to all children may impact future case law.

Students with Exceptionalities

The rapid growth of special education in Canadian schools has raised a number of legal issues. Do the schools have the right to classify students whom they feel require special program? Do parents have that right? Must the schools provide programs for different kinds of exceptional students? These issues are now being covered in Canadian legislation, and there are many contentious cases in which there is a disagreement between the school and the parents as to the appropriate program for a child. In some cases, parents are resistant to the school's desire to change their child's program, while in other cases parents are pressing the school to provide some program that the school is reluctant to offer.

The provision of appropriate education to meet the needs of each student is increasingly accepted as a right in Canadian education. Most provincial legislation now reflects this requirement. For example, Section 142(1) of the *Saskatchewan Education Act* states that "every person... has the right... to receive instruction appropriate to that person's age or level of educational achievement." In some provinces, however, this right is still qualified. The question of what is meant by an appropriate education is also far from evident. Does it mean special separate classes or does it mean that all students, regardless of particular needs, should be in the same classrooms? The issue is complicated because educators and parents may have different opinions. Some have fought to have students with exceptionalities, such as those with physical disabilities, placed into regular classrooms (an issue discussed more fully in Chapter 7), while others have fought to have particular needs, such as learning disabilities or giftedness, met in separate programs or classes.

There does appear to be an increasing trend toward applying principles of natural justice to special education, which requires that students and parents be kept informed of the school's proposals for students, and that they be given the right to a hearing.

The school must be cautious about acting in a manner that contradicts students' and parents' views unless it can present good reasons for doing so. At the same time, as they have in other areas of law, courts have recognized that schools have a degree of expertise in these matters that should not lightly be set aside to accommodate parents' wishes. The area of student classification is not, as a rule, dealt with in provincial education statutes, and it is currently an area of much controversy and court action.

The cases outlined in Box 4.7.1 suggest that courts will give schools latitude to make special education placements that are reasonable under the circumstances, but that the schools must show good faith in trying to meet the educational needs of students. Parental wishes may be granted less credibility than a reasonable educational justification.

4.16 Privacy Laws

Federal and provincial laws govern the collection, use, and storage of personal information. Canada has two federal privacy laws: the *Privacy Act*, which pertains to information collected by government institutions, and the *Personal Information Protection and Electronic Documents Act* (PIPEDA), which over-sees information collected by organizations in the private sector. As well, each province has guidelines to protect information held by government institutions and agencies, of which school divisions are a part. Provincial privacy laws may be health-related or employment-related, and there also exist some sector-specific privacy laws such as the Bank Act that regulate financial institutions or deal with credit reporting.

As agents of the state, teachers and administrators must be very careful to protect the personal information of the students, employees, and families with whom they work. Report card data, student and personnel records, student pictures, website information and now computer and cellular phone data must be handled very carefully in order to protect the privacy (and sometimes safety) of those who are connected to the school. An interim decision made by the Information and Privacy Commissioner of Ontario (IPC) was based on the Toronto Catholic District School Board's refusal to provide access to a student's request for sensitive information (*Annual Review of Education Law*, 2018). The information request was made by a student and his mother in relation to an allegation of his gang involvement and threats made to another student. The board did not grant access to threat assessment documents and investigation notes on the basis that information in the records could invade the privacy of other individuals whose personal details were included in the records, or who could be identified, leading to significant personal distress. The IPC found that due to the context, redaction of names would not protect identities of individuals involved, and disclosure of

information could lead to personal distress of students, or risk of harm to the threat assessment team. Only information related to the student's own statements or information about his mother was ordered to be shared.

4.17 Copyright

Copyright law is an interesting example of the division between personal and property rights. Written material, music, art, videos, computer software and digital media are considered property, just like a house or a car. Copyright law, which comes under the jurisdiction of the federal government, restricts a person from using someone else's work without the originator's permission. Often this law means that one must pay to reproduce by any mechanical or electronic means a book, article, or other material. In other words, the right of the community to benefit from ideas is subordinated to the right of the individual to profit from them.

Until recently, Canada's copyright law dated from 1924 and did not deal adequately with newer forms of communication such as computer software, digital media, and mass copying. The copyright law has been revised to strengthen the protections to copyright holders. Teachers cannot make multiple copies of an article or play for an entire class. Nor is it permissible to rewrite something in slightly different language and then copy it. Libraries have placed warnings over photocopying machines to discourage people from making illegal copies. Teachers cannot legally record programs for classroom use unless formal permission has been given by the copyright holder. Computer software is sometimes covered by a site licence that allows an organization to use software in all parts of its operation without having to buy multiple copies. Some provincial governments have also negotiated copyright agreements that allow schools to use videos or computer software under certain conditions. Digital media from the Internet can also be problematic. These are frequently used by students but are legally copyrighted and should not be reproduced without permission.

In response to the significant problems that these restrictions threatened to create for schools, colleges, and universities, provincial governments, acting on behalf of schools, entered into

agreements with an organization called CANCOPY in order to allow schools to make limited numbers and kinds of copies for non-profit educational purposes. The provinces paid CANCOPY a fee for these rights, and CANCOPY in turn distributed these monies to authors, artists, and any other creators of the work. Most public schools were covered by such agreements that allowed some (but by no means unlimited) photocopying of stories, plays, articles, poems, books, and artistic works. An organization called Access Copyright replaced CANCOPY, and in 2004 attempted to renew its royalty agreements with all the provinces and territories related to teacher copying of materials. The attempt to fix royalties at \$5.16 per full-time equivalent student in schools led to much contention from ministers of education, particularly in Alberta. Access Copyright appealed to the Copyright Board of Canada, and the case of *Alberta (Education) v Canadian Copyright Licensing Agency (Access Copyright)* moved its way through the courts until a Supreme Court decision was made in 2012. The primary issue related to whether the copying of materials by teachers fell under the fair dealing exception in s. 29 of the *Copyright Act*. It was found that the copying of excerpts fell under the purview of “research or private study” covered by the Act. In the determination of whether the teacher copying was fair, the Supreme Court held that teachers did not have an ulterior or commercial motive in providing students with copies, and that it was not realistic to require teachers to purchase textbooks for each student as opposed to copying short excerpts.

In 2018, the Council of Ministers of Education Canada (CMEC) released the *Education Ministers Policy Statement on Fair Dealing* to support the provisions in the *Copyright Act*. It has also published *Fair Dealing Guidelines* (2019) for teachers and administrators that are articulated in Box 4.17.1. In 2016, the CMEC collaborated with the Canadian School Boards Association and the Canadian Teachers Federation to create *Copyright Matters* (Noel & Snell, 2016), a resource that provides information on copyright law for teachers, administrators, parents and students.

Box 4.17.1

Council of Ministers of Education Canada Fair Dealing Guidelines

1. Teachers, instructors, professors, and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire, and parody.
2. Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism, or review should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course
 - a) as a class handout;
 - b) as a posting to a learning or course-management system that is password protected or otherwise restricted to students of a school or postsecondary educational institution;
 - c) as part of a course pack.
4. A short excerpt means:
 - a) up to 10 per cent of a copyright-protected work (including a literary work, musical score, sound recording, and an audio-visual work);
 - b) one chapter from a book;

- c) a single article from a periodical;
 - d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
 - e) an entire newspaper article or page;
 - f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
 - g) an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work
5. Copying or communicating multiple short excerpts from the same copyright-protected work with the intention of copying or communicating substantially the entire work is prohibited.
 6. Copying or communicating that exceeds the limits in these Fair Dealing Guidelines may be referred to a supervisor or other person designated by the educational institution for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
 7. Any fee charged by the educational institution for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.

Source. Adapted from CMEC (2018). Fair Dealing Guidelines

4.18 Conclusion

Legal issues are playing an increasing role in schools. Many of the issues and conflicts that have been endemic to schooling are now being addressed in part through court action. It is important that teachers be aware of the impact of law on schools, and of the implications of such major documents as the *Charter of Rights and Freedoms*. At the same time, teachers should not see themselves as lawyers or be so struck by legal issues as to forget that their first obligation is an educational one. Teachers and schools can benefit from a careful consideration of legal issues, both old ones and those newly emerging, but it is best if this consideration takes place within a framework of educational purposes and values.

Exercises

1. Find a recent piece of legislation in your province that relates to education. This could be an amendment to a school or education act, or some other legislation that affected schools in a significant way. Think about which groups or interests might have favoured or opposed this legislation. Who gained or lost from its passage? Why? Using *Hansard* (the record of debates in the legislature), review the debate over this legislation. What arguments were advanced for and against the proposals? Why? Whose interests appear to have prevailed in the debate?
2. Find a copy of a provincial regulation made under an education or schools act. What provisions are in the regulation? Why are these provisions not in the legislation itself? How often has the particular regulation been altered in the last five or ten years?
3. Find and read a copy of a court decision (any level of court) on a recent case involving education. What arguments did the judges use to support their particular decision? Was their decision consistent with previous decisions on the same sort of case? Why or why not?
4. Write a statement indicating whether or not you think the courts should play a greater role in Canadian schools. Give specific examples to support your point of view.
5. Choose one of the pairs of rights listed in the section titled “The Meaning of ‘Rights’”. Illustrate how

this distinction might apply to a specific instance of a legal issue involving schools.

6. “Schools are not sufficiently respectful of the rights of their students.” Agree or disagree, supporting your answer with specific examples.
7. Imagine you are a senior civil servant in the Department or Ministry of Education. You have been asked to give the minister advice on legal aspects of home schooling, write a brief (two-page) justification for the stance you have taken.
8. You’ve been asked to create the local school student handbook that includes information on student discipline and searches. What would you write in this section?
9. Arrange a class discussion of how schools can best deal with issues of violence. What should be the relative balance between educative measures, such as mediation programs, and disciplinary measures, such as zero tolerance or suspension policies?
10. Most student councils in high schools are primarily concerned with social activities. Should student councils assume a more active role in the governance of the school? Why or why not? If yes, how could such a change be fostered?
11. Assume that you wish to develop a class website (Facebook or other). What kinds of privacy legislation and policies would you have to adhere to in your province? What kinds of material would you be or not be allowed to add on to the website, and why? How might you go about obtaining permission to use information that may have to be treated delicately because of privacy issues?

CHAPTER FIVE: RESOURCES FOR EDUCATION

5.1 Prologue

This should be interesting, thought Linda Chartrand as she entered the conference room at the board office. She had hesitated only briefly before agreeing to the request from the assistant superintendent to serve on the district's new strategic planning committee. She agreed partly because the meetings would be held during the daytime, and substitute coverage would be provided for her class. Between school committees, the district teachers' association, professional-development activities, and marking and class preparation, Linda already had so many after-school commitments that she was rarely home before 6:00 p.m. But mostly she'd been fascinated by being part of the process of planning for where their organization would be going in the years ahead.

The first meeting had been noncommittal. Everyone was introduced, and all had a turn mentioning long-term issues they felt were particularly important to the district. Today they were to try to prioritize a small number of critical issues the district would have to face. There were a dozen people on the committee, including teachers, principals, the assistant superintendent, the superintendent, two school trustees, and two parents. As each person had said her or his piece, Linda had been struck by the diversity of views around the table, and also the assumptions made about groups of people with little to no actual understanding of their lived experience. Most people seemed to feel that the main problem was the inadequate resources provided by the provincial government. Some felt

that administration in the district was too top-heavy. Others felt that teachers complained too much about their workloads given that they had “two months off” in summer, and another group felt that the schools would be fine if only parents did their job properly.

Within a few minutes, the conversation turned to the question of funding. “I’ve been teaching for twenty years,” said Alice Kubota, a teacher at one of the elementary schools, “and it’s getting harder each year. First of all, we have to try to keep in touch with new developments in teaching, such as co-operative education and student assessment portfolios. Then the province keeps adding things to our program, such as physical fitness and anti-bullying. Parents are more demanding about teachers being able to justify what we’re doing and why. On top of that, there are more children with multiple learning, physical, emotional, and behavioural concerns in our classes than ever before. Some of these kids need full-time attention all by themselves, and if they don’t get it, the entire class is unsettled. At the same time, we’re hearing that there is no more money, and we’ll have fewer staff, less professional development, and smaller budgets for supplies and materials. Teachers are committed and hardworking, but there is a limit, and we’ve reached it. If we’re going to cope with the pressures, there will have to be more money put into the teaching and learning environment.”

Grace Volcy, one of the trustees, then spoke: “I understand the pressures that teachers are feeling. You may sometimes think that the school board isn’t sympathetic to the problems, but we are. We have concerns too. We can spend only what the province gives us. We’re not allowed to run a deficit and we no longer have any

ability to raise funds locally through property taxes as we used to be able to do. The province is increasing our funding, but not as quickly as our costs are rising. We have really tough choices to make, and we need help from teachers, too, in terms of what you're demanding in salary increases and workload changes. Lots of people in the community still feel that teachers are lucky to have stable, well paid jobs with good benefits and holidays."

"Why should teachers pay the cost of problems they didn't create?" asked Azim Khan, the president of the local teachers' association. "It's typical of our society for business to make mistakes, throw people out of work, causing all kinds of social problems, and then to suggest that teachers should pay for it by accepting contracts with no wage increases. Our salaries have been falling steadily behind inflation the last few years. We've accepted it because teachers are committed people who care about kids. But it can't go on any longer. The school board needs to explain clearly to the public that good education costs money, but poor education is a hell of a lot more expensive in the long run."

"Maybe it's not just a matter of how much money," chimed in Lori Pambrun, one of the parents. "People in this community care about education, and we're prepared to pay for good schools. But do people see the link between the amount of money we spend and the quality of education? Schooling costs much more than it did twenty years ago, yet we seem to have more problems than ever before. Now I know that these aren't necessarily the schools' fault. We've already said that as society changes, so do the problems facing schools. And we know there are plenty of problems outside the schools. But doesn't that

suggest that maybe we need to do things differently? For example, Tamara over there is a community liaison worker. She's done a great job of getting things going in that school: things regular teachers don't have time to do. One of them is bringing many more volunteers and Knowledge Keepers into the school, which frees teachers' time to work with students and offers possibilities for culturally engaged learning. Isn't there a way we could think again about how we use our resources, and whether we could do it better?"

As the discussion went on around her, Linda found herself thinking about Lori Pambrun's comments. They made sense to her. She knew that resourcing would continue to be important, and a source of controversy, but already she could see ways in which her school might rearrange staffing duties to meet some needs.

This chapter addresses the following questions about money and education:

1. What do we mean by resources for education?
2. How is education presently funded, and how has this system of funding come about?
3. How do governments at various levels raise resources for education and allocate them?
4. How are resources used within schools and school systems?
5. Does the education system get enough money to adequately perform its functions?
6. How much impact do resources (or the lack of them) have on schools and on students?

These questions are especially pertinent today when issues of spending, taxation, and the role of government are very much in the public eye. There is much debate about the relative importance of reducing public spending, cutting taxes, paying off our debt, or maintaining or enhancing services such as education. It is especially important for teachers to understand the basic economics of the education system.

The chapter will show that while money does matter, there are many potential kinds of resources available for education, and that these resources are not necessarily used as effectively as they might be. Societies, through governments, make decisions about how important education is, and these decisions are political ones. There is no simple and right answer as to how much money to provide for education, how best to raise that money, how best to provide it, or how best to use it in schools. These are questions that require and deserve public attention and debate.

5.2 The Concept of Resources

When people think about resources for education, they are most often talking about money. People tend to measure the quality of our schools in terms of how much money is spent on them. Thus, educators may argue for additional funds to meet new needs and critics of schools may talk about the perceived lack of value given the increasing amounts spent on education. School boards may talk about the programs they can or cannot deliver because of public resistance to tax increases. Teachers are particularly aware of the ways in which their work is constrained by lack of money or other resources.

All this is not surprising; money plays an important role in education, and in our society generally. It is often seen as the common denominator of value for many things. In education, however, it is misleading to use money as the only, or even the most important, indicator of value or quality.

The educational system contains many kinds of resources. Many of these are purchased goods, such as buildings, equipment, books, and supplies of various kinds. Here it might be reasonable to assume a link between spending more and getting more: more money buys more library books, or more computers, or a bigger or better-equipped building. But goods are not the critical part of education. Far more important are the people who work in a school, the students who attend a school, and the people who live in the school's community, along with their skills, interests, motives, and effort. These resources cannot easily be counted but are nonetheless critical to the process of education. Two teachers may command the same salary yet be quite different in their ability to work with students. The students themselves will need or want quite different kinds of teaching or support services from the school. A community that sees schooling as an essential route to success is quite different from a community that sees schools as

irrelevant to their needs and lives, or even as oppressive institutions. There are very important resources whose nature and impact cannot be translated into monetary terms. The data on spending levels tell us very little about them.

Thus, the conventional view of resources as involving only money is too narrow. Before returning to the question of how resources are used, however, it is important to understand the basic framework through which education in Canada is currently financed, where the money comes from, and how it is allocated and spent.

5.3 How is Education Financed?

The funding of education has changed dramatically in Canada over time. When Canadian schools were first established, most of the funds were provided locally through fees, property taxes, or, in the case of religious schools, support from the church. During the twentieth century provincial governments took on a steadily increasing role in governing and financing education. Tuition fees were eliminated and a growing share of costs for schooling were paid from provincial rather than local tax sources. Until fairly recently school boards in most of the country continued to levy local property taxes to meet a large part of the budgets they set.

Gradually, most provincial governments have eliminated local taxation by school boards in favour of providing almost all the funding from provincial revenues. Quebec was one of the first provinces to make this shift, and others followed. Up until 1994, about 40 percent of total school funding in Canada came from local property taxes raised by school boards, but now only Manitoba has significant local property taxes for education. The change in the relative roles of the various providers indicates a change in our national beliefs about education. At one time, education was seen as a local matter. Students and their families were regarded as the prime beneficiaries of education and therefore as the appropriate sources (through fees and local taxes) of revenue for education. We now accept, as a country, that we should provide elementary and secondary education free of charge to all students, and that there should be some consistency in the quality of education regardless of place. In Canada's *Constitution*, education and other social services are the responsibility of provinces with the federal government helping to equalize provinces' ability to finance these services, so it makes sense for provinces to pay more of the cost of education

(with a significant local role in deciding how this money is spent). The caveat to this is that our *Constitution* also sets up a jurisdictional tension for First Nations education on reserve. Although public education has been designated as a provincial responsibility through section 93 of the *Constitution*, section 91(24) grants the federal government responsibility for “Indians, and lands reserved for Indians.” What this has created is a parallel system of educational resourcing for First Nations communities funded by the federal government at levels that are not yet on par with provincial authorities. This has led to concerns regarding quantity and quality of service provision and jurisdictional issues related to student mobility across systems.

The policy change away from fees and local taxation is not self-evident. Rather, it reflects the view that education is not simply a benefit to the student who receives it. Instead, we think of education as a public good from which every member of society benefits. It is an integral part of our understanding that all of us should pay for education through our taxes because we believe that a more educated population will be better for all of us.

Yet clearly there is a private benefit to be derived from education. For example, those who receive more education generally tend to earn more. The 2016 Census data indicate that the average employment income of Canadians was above \$65,414 (Statistics Canada, 2016). The range of this average included \$43,676 for those with no certificate, diploma or degree; \$58,239 for those with an apprenticeship or trades certificate or diploma; \$61,100 for those with a college certificate or diploma; \$81,213 for those with a university bachelor degree, and, \$101,228 for those with a university credential beyond a bachelor degree. We have tuition fees in colleges and universities because it makes sense that those with more education pay part of the cost directly since their potential earning power is much greater. In public schools, however, the absence of fees reflects several other beliefs including that no student should be prevented from obtaining an education because of poverty, and that our tax system will, in any case, result in those

who earn more paying more. As we shall see, the evidence does not necessarily provide a high level of confidence that either of these assumptions is correct.

Students are not the only beneficiaries of education. What about employers, who are provided through public funds with an educated labour force that they employ to earn profits? In Canada, companies do not pay for the school system directly, and pay only a small proportion of the total taxes governments use to support education. Moreover, the total share of taxation raised through corporate taxes has been declining in Canada for many years. Yet, as the Howe (2017) report that focused on bridging the Indigenous education gap through post-secondary programming such as that offered through the Gabriel Dumont Institute in Saskatchewan notes, increased education levels lead to a stronger labour force that contributes billions to the Growth Domestic Product and reduces social costs. To that end, an equity argument might also justify more financial support for education from private industry. Thus, there is nothing magical about our current division of the financial burden of education, even though we tend to take it for granted as the natural way of organizing things.

In recent years, there has been much argument in some countries about the virtues of market systems and the desirability of having education conducted through market mechanisms. Advocates of this approach, as noted in chapter 1, believe that education would be improved if people had more choice about the schools their children attended. (See, for example, in Canada the publications of the Fraser Institute www.fraserinstitute.ca and the C.D. Howe Institute www.cdhowe.org). Others have acknowledged that open market choice may support the privatization of schooling and/or lead to a polarizing of public schooling whereby those with privilege have the means to make choices that reaffirm their privilege in “schools of choice” whereas those families that are less privileged are forced to remain in schools that become further marginalized (Bergman & McFarlin, 2018; Ellis & Yoon, 2019; Lenhoff, 2020).

Chapter Three discussed some aspects of markets as social policy

devices. The argument for applying market approaches to the financing of education has a certain appeal, but it has also been subject to much criticism. Given the important public benefits of education, inevitably there will be a significant degree of public regulation of schools, a position acknowledged by even the staunchest advocates of market systems. Indeed, all markets rest on a framework of public governance and law, which creates things such as courts to enforce contracts and regulations to prevent fraud. In schooling, there is no country in the world in which the state does not play the major role in establishing, regulating, providing, and financing primary and secondary education. Thus, the issue that is usually debated in education is less about some kind of free market than it is about the degree of choice people should have in selecting schools and the extent to which funding of schools should be based on enrolment.

This question aside, since governments are, and will likely remain, the predominant source of funds for education, it is important to understand something about how they obtain and allocate their money. We will begin with some general comments about taxation, and then consider in turn each of the three levels of government in Canada: federal, provincial, and municipal. Because of the political and constitutional make-up of Canada, each level is intimately connected with the others.

5.4 Taxation

While a thorough consideration of principles of taxation is beyond the scope of this book, it is important for those in education to have some basic understanding of taxation, since this is how public schools (and, to a considerable extent, private schools in Canada) are financed. It is impossible to discuss educational expenditures without a sense of where the money comes from. There is no agreement on an ideal tax system any more than there is agreement on the ideal education system. People disagree quite strenuously about such matters as the kinds of taxes that should be levied, and who should pay how much. Decisions about how many and what kinds of taxes to levy are political decisions made by governments.

In recent years there has been a great deal of discussion about whether Canadians pay too much tax. Business groups and some media outlets, among others, have argued strenuously that tax rates in Canada must be reduced. Some political parties have made tax reduction a central part of their program, and virtually all parties feel compelled to be very cautious about any possible increases in taxes. Most provinces and the federal government have reduced some of their taxes in response to these concerns and total taxes in Canada have declined as a share of our overall economy. However, in comparison with other industrialized countries, Canada's total taxes are moderate. All taxes as a percentage of the overall economy (Gross Domestic Product) in Canada in 2019 were 30.5% percent, which put us 28th among 36 countries—just above the United States and Australia but lower than most of Western Europe (OECD, 2020).

Total tax burden also depends on which taxes are being levied and who pays them. As Table 5.4.1 shows, the different levels of government in Canada rely on different kinds of taxes to generate revenue. For the country as a whole, income tax is by far the most important, although property taxes are still important for municipal government.

Table 5.4.1*Main Revenue Sources of Canadian Governments (2019)*

	Federal Government	Provincial Government	Municipal and Other Administrative Government
Revenue	\$348 billion	\$453 billion	\$119 billion
Taxes	87.3%	64.3%	55.5%
Social Contributions	6.7%	3%	0%
Grants	0.3%	20.1%	18.5%
Other	5.7%	12.6%	26%

Notes.

- *Municipal* includes school districts.
- Transfers are from one level of government to another – e.g., federal to provincial; provincial to municipal.
- Taxes (federal) includes taxes on income, profits and capital gains, property, goods and services, international trades and transactions.
- Taxes (provincial and municipal) includes payroll and workforce, property, goods and services and any other taxes levied by the province.
- Other includes property income, sales of goods and services, fines, penalties and forfeits, voluntary transfers and miscellaneous revenue.

Sources.

- Statistics Canada. Table 10-10-0016-01 Canadian government finance statistics for the federal government (x 1,000,000)
<https://doi.org/10.25318/1010001601-eng>
- Statistics Canada. Table 10-10-0017-01 Canadian government finance statistics for the provincial and territorial governments

(x 1,000,000). <https://doi.org/10.25318/1010001701-eng>

- Statistics Canada. Table 10-10-0020-01 Canadian government finance statistics for municipalities and other local public administrations (x 1,000,000). <https://doi.org/10.25318/1010002001-eng>

In considering taxation, it is important to think not just about a single tax, but to keep in mind the entire flow of revenues from people to governments, and vice versa. In Canada, as in other industrialized countries, government is inextricably bound up with the entire operation of the economy. There can hardly be a person in Canada who does not receive some substantial portion of their income from public funds, either directly or indirectly. Hundreds of thousands of Canadians work for one of the levels of government, or work in services (e.g., health care or education) that are almost entirely funded by governments. Teachers are, of course, among this group; their salaries are paid from tax revenues. Millions of people receive payments from government through such programs as family allowance, pensions, or employment insurance. Many others receive benefits through taxation incentives such as deductions for retirement savings, investments of various kinds, charitable or political contributions, and tuition fees. Many private companies derive much of their revenue from supplying goods or services to government, whether these take the form of consulting, supplies, equipment, office space, construction, or the many other items that governments purchase. And all of us benefit from the services that government supplies (education, health care, transportation, law and order, environmental protection, and so on).

Thus, people and companies not only pay taxes but benefit from them as well, a point that is often ignored when concerns are raised about taxation levels in Canada (Mackenzie & Shillington, 2009). The question is not simply one of who pays taxes, although this is very important, but of how much one pays in relation to how much one benefits, taking into account that many benefits are indirect. It may be reasonable to believe that a given distribution of taxation

is wrong, that the money raised is not spent as well as it could be, that the wrong people are paying, or that the wrong people are benefiting, but these questions should involve consideration of the total picture rather than just a small part of it.

Approaches to Taxation

Governments are generally seen to have three approaches to taxation available to them. They can tax *income* (how much we take in), *wealth* (how much we have), or *consumption* (how much we spend). Income tax is, of course, an example of the first of these. Taxes on inheritances, property, and capital gains are examples of the second, and provincial sales taxes or the Goods and Services Tax (GST) or Harmonized Sales Tax (HST) are examples of consumption taxes. Governments typically use some combination of the three approaches.

In Canada, there is a general belief that taxation should be based on ability to pay. We have generally accepted (though not always put into practice) the principle that those who have more should contribute proportionately more. This concept is termed progressive taxation. Thus, the rate of income tax goes up as income rises, meaning that higher-income earners should pay a larger proportion of their income in taxes. Most Canadians believe that our tax system should shift money from those with more to those with less, although there is much disagreement on the extent to which this should be done. However, the application of the principle of progressive taxation depends a great deal on the particular form of taxation. This is because wealth, income, and consumption are distributed quite differently among people.

Income tax is still the single biggest source of government revenue. In Canada, in 2018, the top 10 percent income group in Canada earned an average of \$169,700 while the bottom 10 percent earned an average of \$36,400 (Statistics Canada, Table

11-10-0055-01). This distribution has been getting more unequal in Canada for many years now, with the top 10% getting a larger and larger share of total wealth. Governments can compensate for inequalities in income by raising tax rates for those with higher incomes, and by offering tax deductions or credits for those with lower incomes. Tax money is also distributed directly to those with lower incomes through various social programs. This redistribution can make a difference, resulting in a substantial transfer of income to poorer families. However, the distribution of income in Canada is getting more unequal, even with taxes and government transfers.

The distribution of wealth is far more unequal than the distribution of income. In 2019 the median net family worth (assets minus wealth) in Canada was some \$329,900 (Statistics Canada, 2020). The higher the level of education of the head of the family the higher the average family wealth. Families headed by a single parent had the lowest average net worth of less than \$83,100, and tended to have low incomes. In 2019, 69.8% of families held a median debt load of \$79,000 owing on such things as mortgages, lines of credit, credit cards, student loans or vehicle loans (Statistics Canada, Table 11-10-0016-01). Family wealth also varied greatly across the country, with the average family in Ontario having an average net worth of \$434,500 compared to those in New Brunswick with an average net worth of \$185,000 (Statistics Canada, 2020).

There have been some important changes in family assets in recent years. In 2019, half of families had at least one person in the family with an employer-sponsored pension plan, that contributed to a median net worth of \$633,300 (though they also carried higher median debt loads). Of course, this means that half of families do not have this option, and contributed to median net worth of only \$91,200 (Statistics Canada, 2020). Finally, debt from student loans has increased steadily over the years; in 2019, the value of student loans held by all families was \$27 billion (Statistics Canada, 2020). Because most wealth is not in the form of annual income, a change in patterns of wealth would require higher taxation of assets, not income. For example, recently Canada has implemented greater

taxes on inheritances, which is one of the most common ways in which people become wealthier.

Property tax, which is a form of tax on wealth, is particularly relevant because in many provinces it is an important source of funds for education, either through a provincial or a local property tax. Some people argue that property tax is unfair, especially to farmers, senior citizens, and others on fixed incomes. Farmland may produce very little annual revenue but have a high value if sold and thus be taxed at a rate that stretches the farm family's income. Moreover, because farms occupy large amounts of land, even a relatively low tax per hectare may mean a high total tax bill. Most people see this as unfair taxation, even though the land does represent wealth. On the other hand, an individual or business may generate substantial revenue yet pay little tax because of various deductions and reinvestment provisions. Property tax can thus be a way of taxing wealth that would otherwise avoid taxation. Many provinces try to deal with this quandary by providing programs of tax rebates that reduce or refund property taxes to target groups such as farmers, seniors, or others with low incomes.

Property tax is also a good example of the intermeshing of various taxes, since property owners who rent out their property for income can deduct the cost of property taxes from their taxable income, and thus pay less income tax than those who live in their own homes. On the other hand, profit from the sale of one's own home is not taxed, whereas profit from the sale of a revenue property is subject to capital gains tax. What, then, is the real impact of a particular level of property tax? The answer is that it depends very much on circumstances.

Consumption taxes are different again. One might assume that the less money one has, the greater the share one would spend on goods and services, and therefore the harder hit one would be by consumption taxes such as sales tax. This is the belief behind the program of federal tax credits and rebates for the GST and HST. On the other hand, proponents of sales taxes argue that they actually bring in more revenue from the wealthy because they create

revenue from previously untaxed services such as travel, eating out, and even the services of tax accountants.

As we have seen, each form of taxation has advantages and disadvantages, and each is based on a certain view of what constitutes fairness. Most economists believe that some combination of all three forms of taxation is needed to achieve the best balance and greatest degree of fairness, but the reality is that people will always argue about how we should organize our tax system.

5.5 The Financial Role of the Federal Government

An anomaly in the Canadian federal system is that the federal government has the largest share of revenues related to economic growth, such as income tax, while the provinces have the main responsibility for the most important and expensive services in Canada, especially health and education. This creates a significant imbalance for provinces in their revenues in comparison to pressures on spending. The federal government has been an important provider of revenue for many provinces, with some provinces receiving as much as 40 percent of their total revenue in the form of transfers from the federal government. For the last 60 years, our national fiscal arrangements have reflected the belief that all Canadians are entitled to a basic standard of services. If provinces had to rely on their own resources to finance services such as health or education, poorer provinces would be hard pressed to provide services at nearly the same level as the richer provinces, so the federal government, which has greater taxing power, has used some of its funds to provide extra assistance to those provinces. The money comes through a number of different avenues, some related to specific services such as health care or social assistance, and others giving provincial governments the ability to spend the funds on whatever their priorities were. However, economic times are tougher, the federal government tends to reduce its transfers to provinces to deal with its own financial pressures. This creates budget problems for the provinces, which have to decide whether to cut their own spending, levy higher taxes to make up the shortfall, or transfer the problem to hospitals, school systems, and municipalities by in turn reducing provincial grants to those bodies.

Reductions in federal funding also reduce the ability of the federal

government to influence programs and services in Canada. In education, the federal role has always been quite limited, but provinces are even less inclined to look at federal proposals or national programs when there are cuts in the financial support they are receiving from Ottawa.

For all these reasons, financial relationships between the provinces and the federal government are both important and controversial. Again, there is no agreement on how much money the federal government should provide to provinces, or on how these transfers should be made.

5.6 The Provincial Role

As noted earlier, with the exception of First Nations education, provinces now provide almost all the funding for education in most of Canada. They provide financial support for education just as they do for other services such as health care or highways. These funds are usually drawn from the general (total) revenue of the province, which includes all federal government transfers and the revenue that the province collects through such means as income taxes, sales taxes, property taxes, fees of various kinds, taxes on products such as gasoline, tobacco, or alcohol, and so on.

Each provincial government determines as part of its annual budget how much money it will spend on education in that year, just as it does for any other service. The budget process generally involves the provincial Cabinet deciding how much money is available and how much of what is available should go to each of the various areas of expenditure. There is no simple or easy way of making these decisions, which have to do with the conflict between the desire to keep taxation levels as low as possible and the desire to have services that are of as high a quality as possible. Both are important political objectives that a government must balance in some way.

In determining how much revenue is available, a government must not only estimate the revenue from existing sources but also determine whether it wishes to change any tax rates, which will further alter revenue. In Canada, the prevailing climate of opinion (which we have tried to show is not necessarily well justified) has been that taxes are too high, which puts pressure on governments to reduce taxes and therefore limit expenditures. Several provinces have passed legislation that requires a balanced budget every year, though in the most recent economic recession most had to abandon this requirement, at least temporarily.

Governments must also balance many competing demands for

expenditure. In making spending decisions, ministers have to consider various public priorities for services, the built-in increases in costs (such as inflation), changes in the demand for a service (e.g., an increase in the number of elderly people who require ongoing care), and the government's own beliefs and commitments as expressed in election promises. For many years, governments across Canada have faced serious problems of trying to reconcile the demand for services with the desire to avoid tax increases. During the 1990s, most provinces cut spending sharply in order to eliminate their deficits. Then they allowed spending to rise again as conditions improved. Health care expenditures, which are the largest single item in provincial budgets, have grown especially rapidly because of public concerns about the quality of care. In 2020, particularly amidst the global economic recession caused by the pandemic, all provinces are again struggling to match revenues and expenditures, with most running considerable annual deficits. Moreover, many provinces cut taxes in the years of prosperity and now find it very difficult politically to raise them back to previous levels.

Table 5.6.1 shows provincial expenditures on education in total, student count, and amount spent per pupil. Expenditure per student is relatively equal among provinces except in the territories, which face much higher costs and have small numbers of students. It also has generally been on the increase, except in the cases of Newfoundland and Labrador, Saskatchewan, Alberta, and the Northwest Territories where there has been a move towards less spending per student since 2015/2016. In addition, some provinces have to spend more of their wealth to finance education than others; for example, Ontario can spend more per pupil than New Brunswick with much less strain on its overall economy. The reasons for this variation are complex. Some provinces are highly dependent on federal transfers. Newfoundland has very high-income tax rates but still doesn't raise much revenue because average incomes are low. Alberta benefits greatly from oil revenues (when times are good) and has no provincial sales tax.

Table 5.6.1*Expenditure on Elementary-Secondary Education by Province*

	Public School Board Expenditures, Student Count, and Spending Per Student						
	2015-2016			2016-2017			2017-2018
	Total Spent – X1000	Student Count	Spending Per Student	Total Spent – X1000	Student Count	Spending Per Student	Total Spent – X1000
Canada	60,371,971	4,753,176	12,701	61,932,508	4,805,028	12,889	64,600,000
Newfoundland & Labrador	867,962	66,654	13,022	857,848	66,183	12,962	820,000
Prince Edward Island	217,677	19,938	10,918	223,006	20,007	11,146	230,000
Nova Scotia	1,307,741	118,152	11,068	1,290,283	118,566	10,882	1,470,000
New Brunswick	964,139	97,911	9,847	1,050,917	97,842	10,041	1,040,000
Quebec	12,160,473	890,886	13,650	12,777,690	907,608	14,078	13,700,000
Ontario	25,179,712	1,993,431	12,631	25,789,540	2,006,700	12,852	26,900,000
Manitoba	2,415,550	181,023	13,344	2,475,086	183,015	13,524	2,510,000
Saskatchewan	2,448,831	175,755	13,933	2,359,778	179,190	13,169	2,490,000
Alberta	8,310,127	640,872	12,967	8,457,539	652,272	12,966	8,290,000
British Columbia	6,039,954	545,253	11,077	6,197,296	549,921	11,269	6,680,000
Yukon	135,869	5,199	26,134	130,153	5,343	24,360	132,000
Northwest Territories	323,935	8,298	39,038	323,372	8,337	38,788	328,000

Sources. Statistics Canada. Table 37-10-0064-01. School board expenditures, by function and economic classification (x 1,000). <https://doi.org/10.25318/3710006401-eng>

Statistics Canada. Table 37-10-0007-01. Number of students in regular programs for youth, public elementary and secondary schools, by grade and sex. <https://doi.org/10.25318/3710000701-eng>

5.7 Provincial Granting Systems

Determining the total provincial amount to be spent on education is only part of the process. Almost all of the money spent by the provinces on education is actually given to school boards. This occurs through a funding formula whose purpose is to provide a basis for determining how much money will be given to each school district. While each province has a different formula, almost all have the same basic components.

Components of Formula Funding

There are two basic formula elements through which most provinces provide funding to school districts. In most cases, the first and largest amount of money takes the form of a **block grant** based on the number of students. Sometimes the student count is weighted, such that students in more expensive programs (e.g., special or vocational education) or those who are taught in more expensive to maintain settings (e.g., small or remote schools) are given a higher value in the count than other students in recognition of the extra costs of educating them. Typically, at least half of the total funding is distributed on a per pupil basis.

The second component is **categorical funding**, in which a province provides additional funds for particular programs or services. There are two reasons for categorical grants. First, they may be based on the assumption that school boards would not spend enough on such activities of their own accord, hence the province ties its money to the activities it wishes to support. Examples of categorical grants include those for special education,

language education, Indigenous education, or English as an Additional Language. Second, a province may provide categorical funding as a way of recognizing that the costs of certain services, and therefore the provincial contribution to those costs, will vary a great deal from one district to another. An example would be the cost of transporting students by school bus. An urban district may have quite low transportation costs, while those of a rural district might be much higher. If each received the same funding per pupil, the rural division would have less available for instruction after it paid necessary transportation costs. Thus, most provinces tie transportation funding to actual costs through a categorical grant.

Vertical and Horizontal Equity

These two components of funding take into account two different notions of fairness as recognized in the literature on education finance. One is *horizontal equity*, the idea that everyone should be treated the same. The principle of horizontal equity suggests that per-pupil spending should be roughly the same in all schools and all school districts.

In contrast, the concept of *vertical equity* means that fairness lies in recognizing that different people have different needs, and that to treat everyone the same is patently unfair. For example, because rural schools may spend much more money on transporting students, to give them the same amount per student as urban schools is not equitable. Nor does it seem reasonable to assume that students who grow up in wealthy families, with access to good housing, plenty of food, and a steady family income, should have the same amount spent on their education as students who grow up poorly housed and poorly fed. Some students will clearly require more time and attention if they are to be successful learners. Students with special needs may also require extra supports to be successful. If schools are to promote equal opportunity for all

students, the principle of vertical equity suggests that they will need to pay attention to and support some students more than others. Provincial funding formulas attempt to create both horizontal and vertical equity by providing equal spending for each pupil in the same category (e.g., elementary, secondary) but also differential spending per pupil across categories (e.g., special or vocational education).

The importance of the various components within the total provincial funding scheme varies from province to province. Some provinces put more weight on block grants, while others emphasize categorical grants or equalization. It is important to realize that there is no perfect funding formula because people will disagree about which aspects are most important.

Most provinces contain many kinds of school districts urban and rural, richer and poorer, with smaller or larger schools, newer or older buildings, more or less experienced (and expensive) teachers, more or fewer students who do not speak English or French, and so on. The many, many factors that can affect the cost of education make it impossible for any funding formula to take all the differences into account in a way that all parties will perceive as fair. Such decisions, like so many others considered in this book, are political choices that are informed by people's goals and values. Most provinces make at least some changes in their grant structure almost every year and may introduce entirely new formulas every five to ten years to try to meet changing conditions, but whatever choices are made, some people will inevitably feel that the formula remains unfair (Levin, 2008).

Independent Schools

All provinces have at least a few independent (also called private) schools. An independent school can be defined as a school that is not governed by a public school board, and that is selective about

whom it admits as students, whether the selection process is based on grounds of ability, religion, or some other criterion. Students are usually charged tuition fees. Most private schools in Canada are religious in orientation, though some are also based on language, ethnicity, or niche instructional areas of focus (arts, sports, etc.).

Provincial policies on the funding of private schools vary a great deal. Provinces such as Ontario, Nova Scotia, and New Brunswick provide almost no support for private schools, whereas Quebec and the western provinces do provide some public funding for private schools under certain conditions. As discussed in Chapter Two, many provinces have publicly funded dissentient schools; the difference is that these schools are not considered private under the terms of the definition given here.

In no province do private school enrolments make up a large proportion of the total enrolment. Table 5.7.1 offers public, private and home-school enrolment numbers for the 2018-2019 year. Enrolments in private schools range from just over 1% of the total student population in New Brunswick and Newfoundland to some 9.6% in Quebec and 13.1% in British Columbia. Despite the relatively low enrolment figures, however, public funding of private schools is still a matter of controversy since it raises many fundamental questions about what it means to have a public school system. In 2007, a proposal by the Ontario Conservative Party to extend public funding to private schools beyond the Catholic system became a key issue in the provincial election and played a major role in the Conservative's being defeated by the Liberals. In 2020, the Court of Appeal in Saskatchewan upheld provincial funding for non-Catholic students in Catholic schools, which was a reversal of the lower court decision that would have stopped the Government of Saskatchewan from publicly funding non-Catholic students who wished to attend Catholic schools. In 2021, the Supreme Court of Canada dismissed the application to appeal the decision, thereby establishing that public funding will remain for non-Catholic students who attend Catholic schools in Saskatchewan.

Table 5.7.1

2018-2019 Enrolments in Public, Private, and Home Schools

	Total	Public	Private	Home-school
Canada	5,675,691	5,212,908 (91.8%)	425,043 (7.5%)	37,737 (0.7%)
Newfoundland & Labrador	65,343	64,188 (98.2%)	1,005 (1.5%)	147 (0.2%)
Prince Edward Island	20,970	20,361 (97.1%)	441 (2.1%)	171 (0.8%)
Nova Scotia	126,045	120,606 (95.7%)	4,179 (3.3%)	1,263 (1.0%)
New Brunswick	99,984	97,893 (97.9%)	1,257 (1.3%)	834 (0.8%)
Quebec	1,367,136	1,231,077 (90%)	131,910 (9.6%)	4,149 (0.3%)
Ontario	2,199,714	2,040,483 (92.8%)	150,666 (6.8%)	8,565 (0.4%)
Manitoba	204,252	186,522 (91.3%)	14,022 (6.9%)	3,708 (1.8%)
Saskatchewan	192,255	184,413 (95.9%)	5,217 (2.7%)	2,625 (1.4%)
Alberta	717,747	673,788 (93.9%)	30,270 (4.2%)	13,689 (1.9%)
British Columbia	657,369	568,983 (86.6%)	86,079 (13.1%)	2,307 (0.4%)
Yukon	5,619	5,448 (97%)		171 (3%)
Northwest Territories	8,604	8,493 (98.7%)		111 (1.3%)
Nunavut	10,653	10,653 (100%)		

Source. Statistics Canada. Table 37-10-0109-01: Number of students in elementary and secondary schools, by school type and program type. <https://doi.org/10.25318/3710010901-eng>

Capital Funding

In the world of school funding, capital refers to durable items such as buildings or major pieces of equipment. Most provinces fund school buildings (either new or renovated) through a separate process. Typically, school districts must submit proposals justifying their requests to build new schools or to renovate existing ones. Provincial governments then approve or reject such projects on a case-by-case basis. Once approval is given, the province pays most or all of the cost, depending on the policy in each province, up to a specified level. Provinces usually have a set of standards for determining what can be included in a building, and how much the province will contribute. However, the actual responsibility for construction, including hiring architects and contractors, usually lies with the school board. In 2017/18 across Canada some \$5.3 billion was spent on public elementary and secondary school capital expenditures (Statistics Canada, Table: 37-10-0064-01).

A new trend in capital project development has been the introduction of public-private partnerships, known in Saskatchewan as P3 schools (Government of Saskatchewan, Joint-Use Schools Project). Using this financial model, schools have been built as joint-use facilities shared by the Catholic and public school systems. The school systems share facilities in the buildings such as multi-purpose rooms, gymnasiums, community resource centres, and they share custodial and maintenance costs. The private sector partners assume the risk of construction, and there exists a 30-year maintenance warranty to ensure that the building will remain in good condition for three decades. However, other provinces, including Manitoba in 2018 and Alberta in 2014, have rejected the option, as there is no consistent evidence to support that the costs, regulations involved, and transparency in operation are more facilitative than traditional means of funding capital projects.

A new school can cost anywhere from \$1 million to \$25 million to build depending on its size, facilities, and location. Of course,

schools in remote northern areas are much more expensive, as are schools that contain vocational facilities, labs, or swimming pools. A smaller province, such as Manitoba or New Brunswick, has around 700 schools. If a school lasts approximately 75 years, then such a province would need to replace some 10 schools a year, at a total cost of \$50 to \$120 million annually. At the same time, other schools could require extensive renovations or additions, or new schools are needed in new areas. In most provinces, while the rural population is declining and requires less space, urban areas are growing requiring new schools. So even if overall enrolment is declining, new school buildings are likely to be needed. Then, too, if many school buildings are old, pressures for capital spending will also be higher. In other words, a lot of money is required to build and maintain school buildings.

During the 1990s many provinces reduced spending on school capital as part of their overall effort to cut their budgets. The result is that Canada now has many older schools that require extensive repair or renovation, putting yet another pressure on provincial budgets. Provinces may spread out the cost of building through amortization, which is essentially what a family does when it buys a house and repays the cost plus interest over a number of years through a mortgage.

In the last few years, there has been an increase in school capital projects, with architects partnering with teachers, school leaders, and community members to create plans for buildings that are structurally and educationally innovative. In addition, there is more emphasis on the incorporation of educational technology to support learning, and/or questions of the extent to which school space might be reduced as more students learn remotely. As we have seen during the COVID-19 pandemic, however, although remote learning is a popular option, most families and students prefer to study in a school facility where relationships, extra-curricular options, and immediate access to the social world of education is available in addition to academic programming.

5.8 The Role of the School District

As noted earlier, school boards in most provinces now have no direct role in raising revenue, so their financial role is limited to setting the budget within the money given to them by the province. While many school trustees feel that this change has drastically diminished their importance, it is still the case, as pointed out earlier, that school boards make many important decisions about budgets and programs.

In recent years, school boards have faced increases in costs that are often greater than their available revenue. Cost increases come from several factors. Salaries, by far the largest single area of expenditure, tend to rise to reflect cost of living and also contain increments as employees gain more experience. Pressures for new or expanded programs are never-ending. Just as in any other service, there are always new things schools could do to try to help children do better. School boards face very difficult problems every year of how to balance finite revenues with the many demands on them. The budget exercise at the end of this chapter explores some of these issues more fully.

5.9 Does Education Get Enough Money?

Debates about changes or improvements in education invariably turn to questions of money. Many people working in education feel that not enough money is spent on public education, and as a result, the quality of education is not good enough.

The question is, how does one determine how much money is enough? One of the first possible steps to take is to look at the total amount spent. We pointed out in Chapter Two that public education is a large enterprise. In 2017/18, some \$65 billion was spent on elementary and secondary schools in Canada. An additional \$38.5 billion was spent by the country's colleges and universities, while the amount spent on education and training by private and public companies, non-profit organizations, and individuals, though it has not been estimated with any accuracy, may well be as large as the spending on schools (Statistics Canada, Table: 37-10-0064-01, Table: 37-10-0027-01). However, it is hard to judge what these numbers mean: Is \$65 billion an appropriate amount to spend on schools or not?

One standard sometimes invoked is that of comparisons with other countries. Because countries use quite different methods of accounting for their spending on education, international comparisons of this kind are difficult to make with confidence. Moreover, differences in geographic conditions, such as population density or climate, can create significant variations in transportation, construction, and heating costs, to name a few. Nonetheless, international comparisons are frequently made. Canada is often said to be among the higher-spending countries in the world on education. However, this comparison includes postsecondary education, where Canada has a high participation rate and public funding. If the comparison is limited to public

schools, Canada ranks in the bottom half of the industrialized countries. Tables 5.9.1 and 5.9.2 compare Canada with 38 other countries in the Organization for Economic Cooperation and Development (OECD) for 2017/2018.

Table 5.9.1
Public Expenditure on Education in Canada Compared to That in Other OECD Countries

Indicator	Primary		OECD	Secondary		OECD	Tertiary		OECD
	Value	Rank (Out of 38)		Value	Rank (Out of 38)		Value	Rank (Out of 38)	
Public expenditure on educational institutions as a percentage of GDP	2.2	2nd (Only Israel was higher)	1.5	1.4	34th (Estonia & Ireland were lower; two countries unreported)	1.9	2.3	3rd (Only Chile and USA were higher)	1.4

Definitions. *Public expenditures*—Money spent by all levels of government. *GDP*—Gross domestic product; a measure of the overall size of the economy.

Table 5.9.2
Share of Public Expenditure on Educational Institutions

	Primary, Secondary, and Post-secondary (Non-Tertiary)			Tertiary		
	Share	Rank	OECD Average	Share	Rank	OECD Average
Share of public expenditure (%)	91%	16th	90%	54%	28th	68%

Source. OECD. (2020). *Education at a glance*. OECD. <https://doi.org/10.1787/69096873-en>

Another standard is to compare past and present spending levels.

This can be done in many different ways, and the results one gets depend in part on the indicator chosen. Table 5.9.3 compares several indicators of education spending in 1971, 1991 and 2010. On some of these indicators, spending appears to have increased substantially, while other indicators seem to show decreased spending. How can this be?

Table 5.9.3
Indicators of Education Spending over Time

	1971	1991	2010	2018
Gross pupil–teacher ratio (the total number of certified teachers, including administrators, divided by the total number of students)	20.8:1	15.8:1	14.0:1	17:1
Explanation: With some minor fluctuations, the ratio of educators to students dropped steadily but has once again been on the increase in times of reduced spending and growing enrolments, particularly in urban settings.				
Total spending on elementary/secondary education	\$5.3 billion	\$33.3 billion	\$57 billion	\$65 billion
Explanation: The Consumer Price Index has grown significantly since 1971. In fact, what was \$5.3 billion in 1971 would be about \$32.4 billion in 2018. Real spending on education, then, has increased by about 100% over the last 50 years, or about 2% per year.				
GDP (size of the economy) per capita	\$4503	\$21,234	\$46,212	\$46,313
Explanation: Between 1971 and 2010, the total economy per person in Canada grew by more than 1000%, more than double the rate of inflation. This means that the same level of taxation or spending the same proportion of our wealth would generate far more money in 2010 than in 1971. This trend levelled out at an all-time high in 2012 and is at similar rates again to that of 2010.				
Total spending on elementary/secondary education as a proportion of the total economy (GDP)	5.6%	5.0%	3.6%	2.2%

Explanation: Although spending on education rose in real terms, it rose more slowly than economic growth overall, so declined as a share of the total economy.

Average salary per educator	\$10,029	\$45,979	\$57,816	\$71,625
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Explanation: Average salaries for teachers grew exponentially over this time compared to inflation, meaning that 'real' salaries grew by about 4% 3% per year. partly because educators gained additional qualifications and experience and thus moved higher on the pay scale. Teacher salaries grew more slowly than the economy as a whole, though.

Source.

- Adapted from François Gendron. (1994). Does Canada invest enough in education? Reproduced by authority of the Minister of Industry, 1997.
- Statistics Canada, *Education Quarterly Review*, CAT. NO. 81-003, Vol. 1, No. 4, April 1999 and vol. 7, no. 2, February 2001.
- 2008/9 data are from Brockington (2010). *Summary public school indicators for Canada, provinces and territories 2002/3 to 2008/9*
- Statistics Canada (2010), *Consolidated provincial and territorial government revenue and expenditure*.
- Data on CPI from www.bankofcanada.ca/rates.
- Data on GDP from www.indexmundi.com.
- OECD 2020

The data in this table show how different statistics with different starting points can give very different pictures. For example, we often hear that education spending has risen very rapidly while student outcomes have not improved, suggesting that money is not being used well. But the Table above shows that spending on

education has grown less quickly than has the economy as a whole. When indicators are calculated on a per pupil basis, the picture over time is greatly affected by changes in the number of students. If the number of students decreases, costs will not necessarily decrease proportionately, in which case per-pupil spending would rise even though no change has been made in the level of service to students. Similarly, if enrolment rises, per-pupil spending may fall with no change in the level of service. If a school has, say, 25 teachers, 400 students, and a total budget of \$4 million, the per-pupil cost would be \$10,000. If the following year there were only 380 students, the per-pupil cost would rise significantly, to \$10,526 per pupil, even though nothing had changed in the school's operations. Similarly, if the enrolment rose to 420 and all the new students were accommodated in existing classes by making each class slightly larger, the per-pupil cost would fall to about \$9,523, again with no real change in the school's program. Thus, per-pupil costs are a reasonable measure of relative spending only when enrolment is stable. Economists would say that unit costs in education (with each pupil considered a unit) are inelastic with regard to enrolment, meaning that they do not change in either direction as rapidly as enrolment can change.

Similarly, changes in the number of students can affect other indicators. The pupil-teacher ratio fell quite sharply in the 1970s because enrolment fell (in total by about 25 percent), but instead of reducing the number of teachers in proportion, school systems kept their staff and launched new programs and services requiring more staff, such as librarians, guidance counsellors, and increased special education. However, the slower growth in education spending related to declining enrolments did lead to education dropping in terms of its share of total provincial spending.

Provincial governments face significant pressures to spend more in areas other than education. Health care in particular has taken an increasing share of provincial expenditures in recent years. Another factor to consider is that such comparisons depend a great deal on the year with which one starts. In this case, 1970 marked a high-

water point for education expenditures in Canada: the baby boom was at its height, educational facilities were expanding rapidly, and teachers' training, experience, and salaries were growing rapidly. It would be quite normal, as the system matured, for the rate of increase in spending to level off somewhat.

In looking at the data in Table 5.9.3, it is also important to understand the impact of changes in the economy. For example, a large part of the increase in overall spending on education is accounted for by inflation; that is, it costs more to do exactly the same things. To eliminate the impact of inflation, analysts use the concept of *real dollars*: converting the amounts from different years to reflect the same amount of actual purchasing power.

Another set of indicators compares spending on education to the size of the economy as a whole. This is typically measured in relation to gross domestic product, or GDP, which is essentially the total value of all the goods and services produced in the economy. Here problems arise when the economy shrinks, as it does in recessions. When this happens, spending on education accounts for a larger share of the total economy even if education spending remains constant.

Finally, it should be noted that using a forty-year comparison is potentially misleading because so many different elements will change over such a long time. The data in the table above include very rapid expansion of enrolments and services in the 1970s, a period of slower growth in the 1980s, actual cuts in spending in the 1990s, growth again in the early 2000s, but significant variations due to recessions from 2008 onwards. Averaging all of these over many years hide those important fluctuations that happen in the shorter term.

The comparative standard for government expenditure on education also depends on what is being compared. In one sense, \$65 billion is a great deal of money. It is well over \$10000 per student per year (or well over \$1000 per year for every person in Canada). It is equal to about 4 percent of Canada's gross domestic product, which is the measure of the total size of the Canadian

economy. In other words, we spend 4 percent of our national wealth on elementary and secondary education.

In another sense, \$65 billion is not all that much. It amounts to about \$65 per student per school day, or about \$13 per hour based on a five-hour day. This isn't that much more than one would pay a baby-sitter.

Another common approach to judging the adequacy of education funding is to invoke standards of service. We might argue that education needs more money in order to provide better special education services, to hire more counsellors in elementary schools, or to buy more technology. Of course, this argument assumes that such services must be added on top of all the existing services and programs, and that nothing now in place can be changed or replaced. Similarly, one might say that more spending is needed in order to achieve such goals as increasing high school graduation rates or improving reading levels. This assumes that there is a direct correlation between the amount of money spent and educational outcomes, a point discussed a little later.

Finally, there is an economic approach to calculating whether we are spending enough on education. We can think of spending money on education as an investment that yields a return in the form of more educated people, higher earnings, more economic activity, and so on. In theory, one can calculate the return on this investment just as one knows that a bank deposit or a bond pays 2 or 3 percent interest each year. Economists have made just such calculations, with the most recent Canadian evidence indicating that a university graduate can expect significant return in earnings above what she or he would have earned with only a high school diploma. The estimated amounts in 2017/18 for Canadian men is 17% and for women is 22% (OECD, 2020). This return to education can be compared with the return on spending in other areas, such as health care or highways; then, if education is a better investment, we should spend more on it whereas if it is less rewarding, we should transfer spending to other areas.

This seems like a straightforward and eminently sensible

approach. The difficulty is that return on investment requires the translation of all the outcomes of schools and the outcomes of whatever other service is used for comparison into monetary equivalents. The calculations involved require not only many assumptions but also information that is not readily available. Given that many of the goals of education are intangible and long term, how are the results to be calculated? For example, more education is correlated with longer life. How do we evaluate those additional years of life? Are they a benefit or a cost? And even if this could be measured, how much weight should be assigned to it in calculations of return on investment? Moreover, return on investment varies for different programs and for men and women. Does this mean that programs with lower returns ought to be reduced or eliminated? Or that people should be streamed into programs with higher returns?

In short, the debate about whether we spend enough money on education cannot be resolved through information alone, although information can certainly help us make better decisions. People's beliefs about the value of education relative to other spending priorities will have a major share in determining their views on how much we should spend on schools.

5.10 How are Resources Used in Schools?

Another way to consider the adequacy of funding is to ask what we buy with the money spent on elementary and secondary education. There are two usual ways of thinking about expenditure patterns. One is to organize them by functions. In Canada by far the largest item of expenditure is always salaries for educators. Typically, teacher salaries and benefits make up about 67% of school spending (Statistics Canada, Table 37-10-0064-01). Table 5.10.1 provides the budget for the Winnipeg School Division, a district with about 30,000 students. The table shows that more than three quarters of the budget is used to provide regular and special education, and of this amount, about 80% goes to salaries for teachers and other staff. Administrative and other costs tend to make up quite a small part of the overall budget.

Table 5.10.1
Distribution of Winnipeg School Board Expenditures (2020/2021 budget)

Regular Instruction	52.6%
(All subject areas, language programs, English as an additional language)	
Student Support Services	23.0%
(Special education, clinician services, resource and counselling)	
Community Education	2.4%
(Nursery, Adult programs, community use of schools)	
Administration	2.7%
(Computer and information services, business functions, human resource functions, Board and central administration)	
Instructional and Other Support Services	2.4%
(Staff professional development, curriculum development, library services and nutritional program)	
Transportation	1.8%
Operations and Maintenance	12.9%
Fiscal and Capital	2.2%
(Payroll tax, banking charges and capital transfers)	

Source. Winnipeg School Board, [https://www.winnipegssd.ca/budget/Documents/WSD 2020-2021 Final Budget Infographic.pdf](https://www.winnipegssd.ca/budget/Documents/WSD%2020-2021%20Final%20Budget%20Infographic.pdf)

A second way to think about spending has to do with the distinction between purchased and hired resources. Purchased resources are the things one buys – buildings, equipment, supplies, and so on. Hired resources are essentially people. Education expenditures are heavily focused on people, which is what is meant by calling education a labour-intensive activity. In schools, things are far less important than people. All salaries including those of secretaries, caretakers, bus drivers, and others total 80 percent or more of education spending. Most of the spending on non-salary items occurs at the provincial or school district level, as shown by

the school budget (based on an elementary school in Manitoba) in Table 5.10.2.

In this respect, education is like other services (e.g., health care), but unlike many other economic activities that have switched resources from labour to capital in the form of equipment or improved production processes. A good example of the latter is agriculture, which has vastly reduced its work force while also vastly increasing its productivity by improving farming methods in various ways. Most industries other than human services have steadily reduced the number of workers required for a given level of production. However, in human services such as health or education it has proved much more difficult to replace people with equipment or know-how.

Table 5.10.2

A Sample School Budget for an Elementary School (Enrolment: 400)

1 principal, 0.3 vice-principal	\$175,000
20 classroom teachers	\$1,500,000
2 kindergarten teachers	\$150,000
1 ESL teacher	\$75,000
1 resource teacher	\$75,000
1 librarian	\$750,000
1 special education teacher	\$75,000
Total instructional staff	\$2,050,000
3.5 special education support staff	\$140,000
8 teacher assistants	\$300,000
2 clerical support staff	\$100,000
4.5 caretakers	\$225,000
Total support staff	\$765,000
Supplies and equipment	\$300,000
Textbook purchases	\$100,000
Technology purchases	\$200,000
Substitute teachers	\$200,00
Grand Total	\$3,615,000

Note. These figures do not include expenses incurred by the school district, such as transportation costs, larger maintenance projects, professional development, and other items. They do include benefit costs for staff, which typically add 20% to salaries. School budgets account for about 80% of total spending on education.

What Is the Impact of Resources on Education?

Closely tied to the question of whether we spend enough on education is the question of how much difference money makes. Obviously, money is important; without it we would not be able to build schools, hire teachers, purchase textbooks, and so on. Just as obviously, as was pointed out at the beginning of this chapter, money is not everything. A wonderfully constructed building is not a school without good teachers to work in it; and teachers who do not know their subject, or who do not care about their students, will not be effective no matter how much they earn. Nonetheless, it is important to ask how well we use the money that is available for schools.

One problem we face in studying the impact of resources on education is that learning is not a production process. Rather, education is a process of development. Cars or houses are produced by people doing things to raw materials such as metal or wood. But becoming educated is something students must do for themselves, although many other people may help them along in the process. Thus, while there are agreed-upon ways of making products, ways of becoming educated are likely to vary as much as people vary. We can't say that if we just did a, b, and c, every student would become educated; indeed, such a claim is antithetical to the meaning of education. The impact of resources on educational outcomes, then, is likely to be a difficult subject on which to produce firm evidence.

Another problem we encounter in studying the effectiveness of education resources is that there is little variation in school spending and organizational patterns across Canada, which makes it difficult to judge what might happen under other arrangements. Just about all schools have a principal, a number of teachers assigned to grades or subjects, some specialist or support teachers (such as resource teachers), one or more administrative assistants, and one or more caretakers. Almost all schools organize students

in grades in elementary school and by subjects in secondary school. The organization of time tends to be quite similar across the country. Even class sizes do not vary greatly across school districts or provinces. If schools varied more in their use of resources, we might be able to get a better sense of which combinations of resources were most effective.

Given the diversity in students, in communities, and in the subject matter of education, this standardized approach seems rather puzzling. One might well think that it would make sense to organize schools quite differently depending on the students, the setting, and the subject matter. There are pockets where these innovations occur, but schools have not engaged in significant restructuring of how they operate (except with the forced caveat of the impacts of the COVID-19 pandemic). In fact, there is a great deal of public resistance to the idea that we would experiment with students by trying different forms of learning to see which are more effective. As a result, we simply do not know very much about how resources affect the work of schools.

There has been great debate in the educational research literature about whether the funds devoted to education have been spent to the greatest benefit (a good example can be found in *Review of Educational Research*, 66(3)). Conventional wisdom poses that more money means better education (i.e., by providing better facilities, more equipment, smaller classes, and better-qualified teachers). However, research evidence suggests that past a certain basic level, per-pupil spending levels are not strongly related to student outcomes in the form of test scores (Vegas & Coffin, 2015). Nor has this research linked spending levels to other outcomes of education, such as employment, career success, or life satisfaction; rather it is best correlated to quality teachers.

More than 80 percent of the money in education is spent on people, particularly teachers and other instructional staff. The overall ratio of students to teachers (which is not the same as class sizes, since it counts all educators whether they are teaching a class

or not) has declined in Canada for most of the last 40 years, though it has risen slightly again in times of reduced education funding.

The impact of reduced class size on pupil outcomes has been the subject of a great deal of controversy. Recent evidence does suggest that reductions in class size may have a positive impact in primary grades (Bascia, 2010). As a result, a number of jurisdictions, including British Columbia, Manitoba, and Ontario, have committed to controlling the size of classes in the primary years, and class size has become a major negotiating feature in collective negotiations. However, studies have generally found that the effect sizes on achievement based on class size are usually close to zero, suggesting that it is things other than class size alone that has the greatest effects on student achievement (Filges et al., 2018; Watson et al., 2016). Many teachers will say that it is class composition, combined with class size, that creates difficulties for teaching and learning.

Changes of this order are both difficult and expensive to make. To give an indication of the financial impact of changes in the pupil-teacher ratio, at current staffing levels and salaries, a further drop of 1 in the ratio of students to educators in Canada would cost several billion dollars more per year, or about an extra 3 percent in operating expenditures. Class size matters a great deal to teachers, who find teaching less stressful when classes are smaller. Teachers' views and preferences are important, and workload issues are a primary concern. Decades of research on class size has not been firmly linked to educational outcomes, even though we would expect the impact of class size to depend on the teaching methods used, the students in the class, the subject being taught, the quality of the curriculum and resource materials, and other such factors. One would also want to compare the relative benefit of smaller classes with using the same amount of money for some other purpose such as improved professional development for teachers or developing stronger links between parents and schools (Vegas & Coffin, 2015).

No single educational practice is likely to be effective all the time.

Thus, it is probably not the best policy to focus too many resources on a single approach to schooling, whether it be smaller classes, more technology, or new curricula. But there are two related ways in which to consider improvements in the use of educational resources. The first is to employ a broader conception of resources. The second is to use resources in more diverse ways to meet the diversity of educational needs and settings.

We noted at the outset of this chapter that schools have tended to employ a narrow definition of resources, focusing on money and on paid staff. Yet there is good reason to believe that other factors are at least as important in affecting the success of students in our schools. If one were to try to list those things that will have an important impact on the kind of education students obtain, one would probably begin with aspects of the students themselves motivation, background, self-concept, and so on. We do not ordinarily think of students or their families as resources for educational purposes. Yet an increasing body of research (Pushor, 2015) points to ways in which, by altering our view of students and families, education might be strengthened. Schools that walk alongside parents are better able to support children's learning. Chapter Eight discusses these issues in more detail.

It is also the case that schools currently organize their resources around teaching by grade levels, though, as we have said, education is better viewed as a process of development and learning by students. If schools were to take seriously the idea of students as active learners, they might make more use of some different organizational practices. Among those practices that appear to have support from the research are multi-age learning groups, land-based learning, experiential learning, project-based learning, inquiry learning, flipped classrooms, student learning centres, and digital learning through gaming, robotics, programming, etc. Approaches that emphasize the role of students as learners also have the advantage of stressing skill development in the areas of independence, collaboration, critical thinking, problem-solving,

digital literacy, and socio-emotional development (Datta, 2018; Oracki, 2020).

Even within the usual focus on teaching, there may be ways of bringing new resources into play by modifying organizational and instructional practices. For example, the ways in which time is used in schools could be reconsidered. Time allocations to subjects are relatively standard across classes and grades. In other cases, time allocations are based on our view of which subjects are most important. But evidence indicates that students require more time for some subjects, particularly those such as second languages or mathematics, that are primarily learned in schools. Time allocations should depend not on the priority of the subject, but on the background, interests, and needs of students. To use another example, the idea that every secondary-school course should consist of an equal number of hours of instruction seems quite out of step with what is known about learning. Perhaps some subjects should have more time devoted to them than others.

There are many other possibilities. Some research (Hwang & Capella, 2018; Hughes et al., 2018) shows that such common practices as retention in grade and ability grouping do not appear to be helpful and may actually waste resources. The assignment of students to particular teachers is often made on bases other than the learning preferences of the students or teachers. Classes tend to be of similar size in most subjects, even though different subjects may well lend themselves to teaching styles that work better in smaller or larger classes. One of the most interesting areas of work recently has been about how to organize teacher learning most effectively so that teachers are more able to assist students (Miller & Kastens, 2018; Prast et al., 2018).

Experiments with a variety of practices such as those mentioned, with careful assessment of the results in comparison with more standard practices, would be an appropriate way of learning more about the relative merits of alternative uses of resources. Later chapters examine some of these questions from the standpoint of teachers and administrators in schools. The main point to be made

here is that it might well be possible to get more value from the resources we use for education.

5.11 Conclusion

Questions of taxation, federal and provincial budgets, and formula funding seem far removed from the world of the classroom teacher. Yet teachers are only too aware of the impact of resources on their work. The extra couple of students in the class, the absence of a teacher's aide, the lack of a music teacher in the school, the lack of course options resulting from fewer teachers, inadequate science equipment or library collections – all of these have direct effects on everyday teaching and learning. Without knowing how the overall financing system works, teachers remain in the dark about how and why decisions are made, and how they might be influenced or altered.

Teachers see the need for more money and resources for schools because they see how these things could make their work more effective. It is important for teachers to explain to parents (and the public) why spending on education matters to students. As Canadian schools continue to face real budget pressures, in addition to pressing for more funds, educators have to give careful thought to how resources can be used most effectively. Every teacher has the potential to change the use of resources in ways that are not only efficient but also educationally sound.

Exercises

1. Central to the funding of education are the concepts of public and private goods that result from education. What do these concepts mean? Give examples of public and private goods resulting from education. Which of these do you see as being more important? Why?
2. Do you think Canadians currently pay too much tax? Why or why not? Is this true for all Canadians or only for some?
3. Analyse your province's current funding system. To what extent does it embody concepts of horizontal or vertical equity? Illustrate with specific examples. (Your class may want to consider inviting someone from the provincial ministry or department of education to respond to these questions).
4. Is public education in your province adequately funded? Why or why not? Support your answer.
5. Conduct a class poll of spending priorities. Given a number of areas (e.g., health, highways, environment, child welfare, agriculture, economic development, tax incentives for business, and others), where would those in the class rank education? Where would people outside the university rank education? Why?
6. What outcomes of education might we want to use in attempting to determine the value of education spending as an investment? How might we measure these outcomes?
7. Interview a school official or school trustee to

determine the authority over budgets, both revenue and expenditure, that school districts have in your province. What important budget decisions do principals and school boards make?

8. Attend a school board budget meeting. Report on the ways in which the board made budget decisions. What criteria were used? Which issues seemed to be of greatest importance? Was the process used an effective one?
9. Suggest some ways in which we might reallocate education resources in order to be more effective. What sorts of organizational changes in schools would be required for such reallocation to be workable?
10. In groups of about five to ten people, work through the following budget exercise. One person in each group is to act as a neutral observer who does not take part in the discussion but watches how it proceeds. One person is to play the role of superintendent. The others should play the role of school trustees.

School Board Budgeting Exercise

Task: You are to constitute yourselves as an elected school board. Your task as a board is to determine the

budget for your district for the coming year and submit it to the provincial government. The problem you face is that your revenues are going to be significantly smaller than your expenses because costs are increasing more quickly than provincial funding.

Background: You are part of an elected school board of nine members, governing a school district that has a mix of suburban and rural schools. Your district has an extensive range of programs, including French immersion, special education, music, vocational programs in your high schools, and alternative multi-graded elementary programs. Your district includes eighteen schools with a total of 6000 students. Three schools are located in the rural part of the district and have fewer than 100 pupils. These schools have been kept open because of strong pressure from parents in those communities and geographic distance between communities. The schools vary quite a bit on provincial tests, with some schools well above provincial norms and others, including one of the small rural schools, falling below. Due to the province's support for families to pick their school, some of the district's schools, especially those with poorer records on provincial tests, have been losing enrolment steadily, while others have been growing and are now quite full.

Collective bargaining in your province is done by each district. Your teachers earn salaries that are a little above the provincial average, and your district is proud of the good working relationships with teachers. Your support staff on the other hand earn less than their peers in many other districts and are disgruntled. Your current collective agreements with both teachers and support staff will run

out within the coming year. The next school board elections are the year after that.

Your board is elected by ward, and the current board contains strong advocates for a variety of different positions. Some board members are highly concerned to keep small schools open. Other board members advocate strongly for programs such as French Immersion, while two members are primarily concerned with ensuring a balanced budget.

Your superintendent, hired just 18 months ago, has proposed a number of initiatives that will require additional funds in addition to built-in costs for salary and other increases. You will need about 3.5 percent more in your salary budget (about \$1.2 million) to cover the cost of the pay increase negotiated two years ago and the cost of increments for staff. Your board will also have to set aside some funds to pay for the estimated cost of the new collective agreements. Your superintendent is suggesting you set aside another 3 percent, of which only half (about \$500,000) would be needed in this budget, as the increases will only take effect halfway through the year. In addition, the superintendent has suggested spending an extra \$300,000 for more computers and teacher training on computers, and another \$500,000 to improve achievement levels in the schools that are having the most difficulty by increasing staffing and strengthening staff development and parent communications. The draft budget also calls for \$300,000 more in spending as a response to the increased number of children in foster care with special needs who have moved into your district.

Accordingly, the draft budget currently before your board is as follows:

- Previous base—\$60 million
- Salary increases from previous agreements—\$2 million
- Reserve for new collective agreements—\$1 million
- Increases in fuel and other operating costs—4%—\$500,000
- Computers and training—\$500,000
- Low achievement schools—\$500,000
- Increases for special needs—\$500,000
- **Total**—\$65 million, or 8%

However, the provincial government has increased your funding by only 3 percent, or \$2 million, so you are short about \$4 million. Provincial regulations require a balanced budget by your board, but at least two board members have suggested that the district should run a deficit in defiance of the province because of the shortage of funds.

Your board has already asked the superintendent for suggestions of areas where expenditures could be reduced. She has put forward the following options:

- Close one of the small rural schools. The children could all be bused to other schools. This would save about \$400,000, because most of the staff of the small school would be laid off.
- Attempt to negotiate a new collective agreement with teachers that would have smaller increases in order to bring your district a little closer to the provincial average salary. This would require \$500,000 less than your initial budget provides.
- Reduce staffing in secondary schools by increasing class sizes slightly and eliminating some courses with

low enrolments. Savings of 10 staff positions, or about \$1 million, are estimated. A larger increase in class sizes would produce a reduction of 15 positions, or about \$1.5 million.

- Increase the distance from school at which busing is provided to students. More students would have to walk or be driven by parents. Savings estimated at \$250,000.
- Restrict access to schools of choice; do not allow choice where an extra class or teacher would be required. Savings by keeping students in existing classes instead of having to start new ones—about 10 teaching positions or \$1 million.
- Reduce some optional programs such as extracurricular music and art, and close two of the vocational programs in high schools. The superintendent argues that students wanting vocational programs can take them in community colleges after they graduate. Projected savings of 6 teaching positions and \$500,000.
- As an alternative to the last suggestion, charge fees to students to participate in some options or extracurricular programs. Estimated additional revenue of \$500,000 based on a charge of \$100 per program.

Instruction: One person in the group must be the superintendent, and the remaining are board members. Use one hour for a board debate leading to a motion and decision on what budget to set for the coming year. You may also want to discuss how you will explain your decisions to your schools, parents, and community.

Budget Information—Average School District

Current-year data

Total enrolment—6000 students

Pupil-teacher ratio—16.5:1 (staff: 365 professionals)

Expenditure per pupil—\$10,000 (total budget: \$60 million)

Salaries and benefits—80% of budget (\$48 million)

Expenditure by category

Regular instruction—61% (included immersion 8%)

Exceptional (special education)—10%

Vocational—3%

Administration—4%

Support services—7%

Transportation—4%

Operations and maintenance—11%

CHAPTER SIX: TEACHERS, ADMINISTRATORS, AND THE SCHOOL SYSTEM

6.1 Prologue

“Hey, it’s great to see you again.” Toni grinned broadly at Aaron, her former classmate in the Faculty of Education. “How’s the job? Are you going crazy the same as me?”

“It’s tough,” Aaron replied. “I’m working harder than I ever have before. But I’m enjoying it too. There are really good people on the staff at my school, and they’ve helped me a lot. So has my principal. I’ve been given some extra prep time. I feel as if I’m making progress, even if I don’t always feel that the kids are making as much as I want them to!”

“You mean you actually know what other teachers in your school are doing? I don’t even know all their names yet, and I haven’t had time to speak to most of them.”

“What about at your orientation?” Aaron asked. “Didn’t you meet everyone there? Didn’t you get a chance to talk about school programming? And what about your team meetings?”

“What orientation?” Toni replied. “You mean the school meeting that was held right before school? It was basically just an orientation to the school plan and handbook, and who was going to serve on committees. I was introduced as the new teacher, and that was that. I arrived, was shown my classroom, given my class list, and told where the textbooks were. The teachers next door to me have said hello, and invited me to let them know if I need anything, but they’re busy too, and I hate to bother them. Some of the teachers haven’t even introduced themselves yet. Teachers don’t have meetings except for staff meetings, and those are

usually full of administrative details and reminders about deadlines; I don't know what you mean by 'team meetings.' I'm the only new teacher on staff, and I'm spending every evening and most of the weekend just trying to keep up. In addition to the regular teaching, I've been doing a ton of supervision. I'm already dead tired, and it's only October."

"That sounds tough," Aaron commiserated. "Our staff works in grade-level teams, so we meet every week during a common prep period to talk about programs, particular kids, and teaching ideas. I'm working really hard too, but I also feel I'm learning an incredible amount and the other teachers are really helpful. But what about your principal? Isn't he helpful?"

"I wouldn't exactly describe Mr. Plett that way," said Toni. "He talks mostly to the two staff members who seem to be his personal friends. He hasn't taken much interest in me. I never see him. The norm in the school just seems to be that you do things on your own. Aside from getting the paperwork done, or whatever the latest board policy is, everyone, including the teachers, seems to prefer to be left alone to teach in their own way. Even when there are discipline problems, I definitely get the feeling that Mr. Plett expects me to solve them on my own, and I'm not sure he thinks I can do it."

"I can't believe how different my school is," Aaron responded. "My principal has been in my class at least a half dozen times already. She just drops in for a few minutes, chats with some of the kids, and gets a sense of what we're doing. The next time I see her she's always got some positive remark to make about something she saw in the class. And she spent an hour with me after the first week, talking about how I was doing, offering suggestions, and

most of all letting me know that she was there to support me. Even our staff meetings are pretty good. We spend most of the time talking about educational issues—language development, new program ideas, grading practices, and so on. We've got a school discipline policy, and I talk with other teachers quite a bit about what they're doing with particular kids."

"You know," Toni mused, "I thought that teaching was teaching, wherever you were. But talking to you makes me realize how much difference the kind of school you're in can make to your attitude. When I listen to your enthusiasm, I realize how important the principal and other teachers are."

Prospective teachers are generally motivated by their desire to help children and to foster learning. At the same time, it is important to remember that teaching is also a job for which people are well paid, and one that occurs in a defined setting, with particular rules, procedures, and conventions.

When new teachers begin their first job, or when experienced teachers change schools, they move into a setting that is already formed. The school has a history, a set of practices, a culture ("the way things are done around here"), and a group of people who may have been there for some time. The new person must learn about these practices and habits and, for the most part, adjust to them. Although new teachers often begin their careers with a great deal of idealism about how they can change *things*, they may soon encounter aspects of their work that instead change *them*.

Some of these conditions are inherent in the history and development of schools as institutions and of teaching as an

occupation. Other conditions are created by the administrators who run the schools. Teachers need to understand how their work is shaped by these conditions. To that end, this chapter reviews the school as a workplace and teaching as an occupation, including the roles of teachers and administrators. Features such as hiring, pay, and evaluation are reviewed, and some of the tensions inherent in these activities are identified.

6.2 Who are Canadian Teachers?

Table 6.2.1 indicates the number of full-time (FT) and part-time (PT) teachers in Canadian provincial and territorial schools from 2002/2003 to 2018/2019, which indicate an overall increase for both employment categories of 14.6% (FT) and 14.2% (PT). However, the number of FT time teachers declined significantly in Newfoundland and Labrador (17.1%) and slightly (1%) in Manitoba and Nunavut. The largest growth in the number of FT teachers is found in Alberta (29.6%) and Prince Edward Island (20%). A significant trend is in the reduction of PT teaching staff that has occurred for all provinces and territories except Ontario, Quebec, and Nunavut, where PT employment has grown considerably (62.1%, 17.3% and 100%, respectively).

Table 6.2.1

Full-time and Part-time Equivalent Educators in Public Elementary and Secondary Schools, Canada, Provinces and Territories, 2002/2003 to 2018/2019

	2002-2003		2007-2008		2012-2013		2017-2018
	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time
Canada	282,378	67,599	296,022	88,296	307,899	87,660	320,000
Newfoundland & Labrador	6,066	1,968	5,529	1,953	5,676	1,908	5,500
Prince Edward Island	1,293	309	1,326	255	1,530	237	1,500
Nova Scotia	9,591		9,972		9,204		9,500
New Brunswick	7,050	366	7,746	342	7,125	324	7,000
Quebec	63,624	29,457	62,472	33,216	64,782	32,835	73,000
Ontario	115,911	14,910	127,659	27,498	133,917	29,391	130,000
Manitoba	12,042	2,097	12,222	2,136	11,469	2,010	11,000
Saskatchewan	10,227	2,124	9,636	2,052	10,416	2,148	10,000
Alberta	26,970	7,791	30,006	12,081	31,398	12,813	34,000
British Columbia	28,575	8,577	23,197	8,760	30,393	5,628	31,000
Yukon					513	363	500
Northwest Territories					672		600
Nunavut					801		700

Note. Data for the three territories do not encompass the same time-span given changes to the organization of the school systems.

Source. Statistics Canada. Table 37-10-0153-01 Educators in public elementary and secondary schools, by work status, age group and sex. <https://doi.org/10.25318/3710015301-eng>

Table 6.2.2 provide the student enrolment of students in public, private and home schools from 2006/2007 to 2018/2019. The data indicate that overall, school enrolments are increasing slightly in Canada, though only seven of the 13 provinces and territories reported increasing enrolments (Quebec, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, and Nunavut). What is interesting

is that the proportion of enrolment in public schools has declined over that time in favour of a growth of private and home schooling. Though overall numbers compared to public schooling remain low, the number of private schools has increased 19.2% in Canada overall, significantly in Prince Edward Island (113% since 2011), New Brunswick (63.7% since 2011), and 160.3% in Saskatchewan. This is paralleled by a large proportionate increase in home schooling in Canada (104.5%), with all jurisdictions noting increasing proportions minimally by 37.1% in Alberta (that has always had high rates of home schooling) to as high as 2722% in Quebec. The number of teachers employed in school systems has continued to rise somewhat each year, for a total rate of increase of 8.1% over that 10-year period.

Table 6.2.2

Number of Students in Elementary and Secondary Schools by School Type

		2006/07	2012/13	2018/19	Percent Change
Canada	Total	5,380,251	5,444,883	5,675,691	5.5%
	Public	5,005,320 (93%)	5,047,059 (92.8%)	5,212,908 (91.8%)	4.1%
	Private	356,496 (6.6%)	371,904 (6.7%)	425,043 (7.5%)	19.2%
	Home school	18,426 (0.3%)	25,920 (0.4%)	37,737 (0.7%)	104.8%
	Total	75,180	68,313	65,343	-13.1%
Newfoundland & Labrador	Public	74,343	67,479	64,188 (98.2%)	-13.7%
	Private	834	708	1,005 (1.5%)	20.5%
	Home school	0	126	147 (0.2%)	40% since 2011
	Total	21,411	20,700	20,970	-2.1%
Prince Edward Island	Public	21,366	20,406	20,361 (97.1%)	-4.7%
	Private	0	210	441 (2.1%)	113% since 2011
	Home school	45	81	171 (0.8%)	280%
	Total	142,725	126,981	126,045	-11.7%
Nova Scotia	Public	138,663	122,643	120,606 (95.7%)	-13%
	Private	3,399	3,444	4,179 (3.3%)	22.9%
	Home school	663	894	1,263 (1.0%)	90.5%
	Total	112,524	102,459	99,984	-11.1%
New Brunswick	Public	112,011	101,079	97,893 (97.9%)	-12.6%
	Private	0	750	1,257 (1.3%)	63.7% since 2011

	Home school	513	627	834 (0.8%)	62.6%
	Total	1,175,469	1,308,171	1,367,136	16.3%
Quebec	Public	1,046,118	1,176,852	1,231,077 (90%)	17.7%
	Private	129,204	130,206	131,910 (9.6%)	2.1%
	Home school	147	1,116	4,149 (0.3%)	2722%
	Total	2,221,422	2,157,126	2,199,714	-0.9%
Ontario	Public	2,103,465	2,031,195	2,040,483 (92.8%)	-3%
	Private	114,375	120,252	150,666 (6.8%)	31.7%
	Home school	3,582	5,679	8,565 (0.4%)	139%
	Total	193,761	195,171	204,252	5.4%
Manitoba	Public	180,042	179,289	186,522 (91.3%)	3.6%
	Private	12,546	13,491	14,022 (6.9%)	11.8%
	Home school	1,176	2,388	3,708 (1.8%)	215.3%
	Total	169,713	176,085	192,255	13.3%
Saskatchewan	Public	166,497	169,728	184,413 (95.9%)	10.8%
	Private	2,004	4,368	5,217 (2.7%)	160.3%
	Home school	1,212	1,989	2,625 (1.4%)	116.6%
	Total	599,316	626,343	717,747	19.8%
Alberta	Public	560,562	591,399	673,788 (93.9%)	20.2%
	Private	28,767	24,159	30,270 (4.2%)	5.2%

	Home school	9,984	10,785	13,689 (1.9%)	37.1%
	Total	645,033	640,899	657,369	1.9%
British Columbia	Public	578,628	564,528	568,983 (86.6%)	-1.7%
	Private	65,370	74,310	86,079 (13.1%)	31.7%
	Home school	1,038	2,061	2,307 (0.4%)	122.2%
	Total	5,229	5,151	5,619	7.5%
Yukon	Public	5,229	5,049	5,448 (97%)	4.2%
	Private	N/A	N/A	N/A	N/A
	Home school	0	102	171 (3%)	78.1% since 2011
	Total	9,339	8,400	8,604	-7.9%
Northwest Territories	Public	9,333	8,331	8,493 (98.7%)	-9%
	Private	N/A	N/A	N/A	N/A
	Home school	69	69	111 (1.3%)	60.9%
	Total	9,066	9,087	10,653	17.5%
Nunavut	Public	9,066	9,087	10,653 (100%)	17.5%
	Private	N/A	N/A	N/A	N/A
	Home school	N/A	N/A	N/A	N/A

Source. Statistics Canada. Table 37-10-0109-01 Number of students in elementary and secondary schools, by school type and program type. <https://doi.org/10.25318/3710010901-eng>

Traditionally, in Canada, women are more highly represented as teachers than men, especially at the elementary level, though the trend is reversed in administration. In the early part of the century,

almost all teachers were women (Reynolds, 2001), and even moreso during the World Wars. Not coincidentally, teaching at the time was also a low-paying, low-status job that offered little in the way of career prospects. Despite these disadvantages, teaching was for many years one of the few careers open to women. An increase in pay, status, and working conditions during the second half of the twentieth century went along with an increase in the number of male teachers entering the profession, particularly at the secondary level. There are subtle nuances to representation of the sexes, particularly when one considers full-time and part-time work (Tables 6.2.3 and 6.2.4). Overall, in Canada between 2002/2003 and 2018/2019, the proportion of full-time educators rose by 14.6%, and the number of part-time educators rose by 14.2% (Statistics Canada, Table 37-10-0153-01). However, when disaggregated by sex, the proportion of male full-time teachers reduced by 11.1%, whereas the proportion of female full-time educators rose by 27.1%. Female representation went from 67% of the full-time teaching force in 2002/2003 to 74.5% of the full-time teaching force in 2019/2019. This pattern is replicated in all provinces and territories except in Alberta that saw a very small increase in male teachers (0.4%) in this time, largely due to a huge growth in teaching staff over this period (29.6%), and in Newfoundland and Labrador where even the female staff numbers have reduced (0.1%) due to significant losses of teaching staff overall (-17.1%) due to decreased enrolments. The picture for part-time work is fascinating because even though overall there was a growth in part-time teaching employment in Canada between 2002/2003 and 2018/2019 (14.2%), the only jurisdictions where that growth occurred were Quebec (17.2%) and Ontario (62.1%) and that has skewed the results for other places where there have been significant declines in part-time work. There has been a significant increase of male part-time teachers overall (22.2%) over this time period, but the pattern is not consistent across provinces and territories. In some jurisdictions there has been a decrease of male part-time staff (Newfoundland and Labrador, Saskatchewan, Alberta, and British Columbia), whereas in

others there has been growth (New Brunswick, Quebec, Ontario, and Manitoba). In two provinces (New Brunswick and Manitoba), there has been a reduction in female part-time teachers with an attendant growth in male part-time teachers. Further disaggregation by level of school has demonstrated fewer males in early childhood and/or elementary school settings. If other identity intersections are included, such as sexual identity, race, national origin, ability, socioeconomic status, etc., it becomes even clearer that Canada's teaching force is not representative of the diversity of the student population (Abawi & Eizadirad, 2020; Dandala, 2020). Addressing these disparities provides an important challenge to Canada's education systems as they enter a period of sustained recruitment.

Table 6.2.3

Full-time Educators by Male (M), Female (F), and Sex Not Reported (SNR), 2002/2003 to 2018/2019

	2002/2003				2018/2019				
	Total	M	F	SNR	Total	M	F	SNR	
Canada	283,023	91,578	189,765 (67%)	1,677	323,607	81,456	241,230 (74.5%)	918	1
Newfoundland & Labrador	6,066	2,283	3,783 (62.4%)		5,028	1,293	3,738 (74.3%)		-
Prince Edward Island	1,290	450	843 (65.3%)		1,551	396	1,155 (74.5%)	0	-
Nova Scotia	9,594	3,096	6,498 (67.7%)		9,672	2,412	7,260 (75.1%)	0	0
New Brunswick	7,053	2,082	4,971 (70.5%)		7,485	1,770	5,718 (76.4%)	0	6
Quebec	63,627	18,960	44,667 (70.2%)		73,341	15,993	57,348 (78.2%)	0	1
Ontario	115,911	35,988	79,926 (69%)		135,225	33,165	102,063 (75.5%)	0	1
Manitoba	12,042	4,185	7,854 (65.2%)		11,967	3,750	8,214 (68.6%)	0	-
Saskatchewan	10,224	3,642	6,585 (64.4%)	0	10,746	3,012	7,725 (71.9%)	6	5
Alberta	26,970	9,609	17,358 (64.4%)	3	34,947	9,651	25,167 (72%)	129	2
British Columbia	28,572	11,289	17,286 (60.5%)		31,620	9,615	22,002 (69.6%)		1
Yukon	489			489 (100%)	537			537 (100%)	8
Northwest Territories	645			645 (100%)	690	144	300 (43.5%)	249 (36.1%)	7
Nunavut	537			537 (100%)	795	258	540 (67.9%)		4

Table 6.2.4

Part-time Educators by Sex, 2002/2003 to 2018/2019

	2002/2003				2018/2019				Percentage
	Total	M	F	SNR	Total	M	F	SNR	
Canada	67,599	14,463	52,320 (77.4%)	816 (1.2%)	77,187	17,679 (22.9%)	59,136 (76.6%)	372	14.1%
Newfoundland & Labrador	1,971	558	1,413 (71.7%)		288	63	225 (78.1%)		-83%
Prince Edward Island	306	0	0	309 (100%)	144	36	108 (75%)	0	-52%
Nova Scotia									
New Brunswick	363	33	330 (91%)		273	54	219 (80.2%)	0	-24%
Quebec	29,457	9,018	20,439 (69.4%)		34,542	9,894	24,651 (71.4%)	0	17.3%
Ontario	14,910	2,139	12,771 (85.7%)		24,165	5,265	18,900 (78.2%)	0	62.1%
Manitoba	2,097	255	1,845 (88%)		1,728	306	1,422 (82.3%)	0	-17%
Saskatchewan	2,124	162	1,458 (68.6%)	504 (23.7%)	1,293	144	1,146 (88.6%)	3 (0.2%)	-35%
Alberta	7,788	1,074	6,711 (86.2%)	6 (0.1%)	6,240	870	5,352 (85.8%)	18 (0.3%)	-19%
British Columbia	8,574	1,227	7,350 (85.7%)		8,142	1,041	7,098 (87.2%)		-52%
Yukon					351			348 (100%)	
Northwest Territories									
Nunavut					18	6	15 (83.3%)	0	

Source. Statistics Canada. Table 37-10-0153-01 Educators in public elementary and secondary schools, by work status, age group and sex. <https://doi.org/10.25318/3710015301-eng>

The next section looks further into the issue of supply and demand for teachers within the teaching occupation/work force.

6.3 Supply and Demand for Teachers

The ability to obtain a teaching job depends first on whether job openings are available. This in turn depends upon the total number of teaching positions (which is often called the *stock* of jobs), and the number of vacancies that occur over time (often called the *flow* of people). Even in provinces with a very large teaching force, if only a few people actually leave their jobs, there will be few vacancies for new teachers. Similarly, if the total number of teaching jobs drops, which may occur when provinces and school districts face very tight budgets, turnover in the teaching staff will not result in many vacancies because the empty positions will not be filled. In 2018/2019, 43.3% of educators were over the age of 45 (Statistics Canada, Table 37-10-0153-02). The average age of retirement of a public sector employee (including teachers) has been increasing over the last few years, from 61.6 in 2016 to 62.4 in 2020 (Statistics Canada, Table 14-10-0060-01). Although people are staying employed longer, the increasing numbers of teaching positions and a large proportion of teachers nearing retirement age has implications for the numbers of positions that will open up. Since 2016, the Ontario College of Teachers (OCT), predicted an upcoming shortage of teachers in that province. In a document based on the 2020 *Transition to Teaching Survey*, the OCT reported that only 6% of new English program primary-junior teachers remained unemployed (down from 37% in 2016), and all French language program graduates found employment immediately after graduation. One in 10 intermediate-senior graduates were unable to find employment upon graduation, down from one in five in 2016. COVID-19 seriously impacted many teachers in their first two years of teaching as schools closed, but this was offset by over 3000 Ontario teachers who did not renew their licences to teach.

In order to offset major substitute teacher shortages across the country during the 2020-2021 school year, some provincial teacher regulatory bodies introduced short-term provisions to allow students in university programs who had completed the required field experience portion of their program to obtain temporary substitute teaching permits. In addition, in certain subject areas and geographical locations the situation is quite different from the overall provincial and national picture and shortages abound. Specifically, teachers for subject areas such as mathematics, science, technology, and French immersion tend to be in short supply, and rural and northern school boards may have more difficulty finding qualified teachers than urban boards. Recruiting teachers into administration has also become a problem for some jurisdictions.

6.4 The School as a Workplace

Who determines what work is done, when, where, and how in schools? Authority over schools except First Nations schools officially rests with provincial governments and school boards. These bodies may (though they are not required to) delegate authority to administrators and teachers. As employees of school boards, teachers are required to comply with instructions given by school boards and school administrators. Teachers have very limited influence over their teaching assignment. They must teach at certain times in certain classrooms, and they do not choose their own students. In all these respects, the work of teachers is highly constrained and controlled.

In these ways, the school is a bureaucratic, hierarchical workplace, sometimes compared to a “factory model” of organization. The term “bureaucratic” derives from the work of sociologist Max Weber, and broadly refers to a hierarchical organization that is governed by rules, staffed by people with expertise, and operated on the basis of standard procedures and practices. Although the term is often used pejoratively now to imply organizations that are overly rigid and wedded to strict rules, the development of bureaucracies was a response to previous organizations that generally operated on the basis of favouritism, patronage, and the whims of those in positions of power. With the development of the hierarchy of decision making also came the definition of role responsibilities, channels of due process, and protections against abuses of authority. Moreover, a certain amount of organization and standardization seems both necessary and desirable in operating a school system that involves large numbers of students and staff, and a varied and complex body of knowledge.

In other respects, the school is a professional organization.

Teachers have traditionally held a considerable amount of autonomy within their own classes as to how they teach. While teachers must follow a prescribed curriculum, many curriculum guides give teachers considerable choice in how they approach the subject. Matters of teaching methods and style, approach to discipline, treatment of students, and overall classroom atmosphere remain largely subject to the discretion of teachers. Teachers thus have had more autonomy than exists in many other jobs in which workers are not only told what to do, but also how to do it. Over the last decade, however, more teachers and teachers' organizations are becoming concerned with the growing encroachments of reforms, accountabilities, and expectations that they perceive are constraining teacher autonomy (British Columbia Teachers Federation, 2018; Osmond-Johnson, 2018; Paradis et al., 2018). The following section discusses some of the characteristics of teaching as an occupation that may have an impact on the ways in which teachers describe their work environment.

6.5 Characteristics of Teaching as an Occupation

Teaching has been the subject of a number of important studies over the years. One of the first of these, *The Sociology of Teaching*, was written in the 1930s by U.S. sociologist Willard Waller. In 1975, Dan Lortie published his book, *Schoolteacher*, though the book was based on data collected years earlier in the 1960s. A powerful study of Australian teachers by R.W. Connell, *Teachers' Work*, was done in the mid-1980s. In the 1990's there were further discussions about the nature of teaching as an occupation, including Rod Dolmage's Canadian book, *So You Want to Be a Teacher* (1996), Goodson and Hargreaves' edited collection *Teachers' Professional Lives* (1996). All of these works offered conclusions about some of the basic characteristics of teaching. Although evidence suggests that these characteristics are still common in Canadian teaching, the nature of their work has changed substantially, and increasing concerns over teacher health and wellbeing have been noted (Canadian Teachers' Federation, 2020).

In the past, teaching was often largely an *isolated* job. Teachers worked most of the time with students and did not have much interaction with other adults. This was true not only of new teachers, who may have felt that they are left to "sink or swim" on their own, but also of experienced teachers. With the increasing development of collaborative professional development, team teaching, interdisciplinary inquiry learning projects, and teamed support for diverse learners, much of the isolation in teaching is being dispelled.

Although each teacher learns to teach individually, and has a unique style, teachers tend to reject the idea that there is a single best way to teach. Given the increasing diversity that exists in classrooms today, teachers recognize that meeting the learning

needs of students also necessitates that they work with their colleagues to consider what teaching is and how best to do it. The research on student learning suggests that the teacher is the most important in-school influence on student learning (Leithwood et al., 2006). It is therefore not surprising that much of the recent professional development for teachers has centred on differentiated instruction, assessment, and inquiry learning, all of which offer opportunities for teachers to reflect on how they work with students.

Teaching involves *conflicting roles*. Teachers want all children to succeed and to develop a love of learning, yet much of their time and energy goes into controlling students' behaviour and evaluating students according to external standards. The more one tries to reach students individually, the more one may feel conflict with other aspects of schooling, such as the need to sort students by ability or the pressure to have students conform to rules and standards.

Teaching is also highly *uncertain*, and it is very difficult for a teacher to know when he or she is successful. While short-term measures such as grades and test scores are important, most teachers are far more concerned about the long-term development of their students. Teachers tend to rely on their own judgments about students as well as other measures driven by data collection and assessment. When teachers feel that their ability to have an impact is limited by the influences of other phenomena, such as peer pressure or societal issues, a report from or about former students who have been successful is the affirmation they need to realize the difference they can make in the lives of their students.

All of these characteristics are important in shaping the way people think about teaching. For the most part, these characteristics tend to make teaching a difficult and uncertain enterprise. The hierarchical, bureaucratic model is less suited to an environment where there is no common technical culture and where outcomes are uncertain. Yet a professional model is difficult to implement in a setting where people face conflicting demands.

A community model works well if school and community members have built trusting relationships and work toward a common vision. Effective schools create a balance between the models that affirm professionalism, offer a consistent and secure structure, and focus on building a shared vision for learning.

6.6 The Role of Administrators

These characteristics of teaching also create difficulties in defining the role of school administrators. In hierarchical organizations such as factories, workers take directions from—and are supervised by—bosses. Schools often use essentially the same model, with teachers being directed and supervised by principals and superintendents. This is such a common feature of schooling that we take it for granted, yet standardization of practice and hierarchical management do not always lead to appropriate ways of working or addressing the unique needs of schools or students.

What would happen if schools operated more like hospitals, in which doctors individually and collectively make most of the treatment decisions, and in which administrators are primarily involved with keeping the organization cohesive and functioning? What would happen if school principals and superintendents were elected by teachers, or by students, and parents? What would happen if teachers took turns being responsible for administrative duties in the school? It seems likely that patterns of authority would change considerably. One might glean some tentative ideas by comparing schools to organizations that have different methods of determining leadership. For example, in universities, administrators are often hired for a limited term through open and participative processes; in collectives, leadership is shared and rotated; and, in political systems, leaders are elected. In principle, any of these practices could also be used in schools.

Regardless of these possibilities, Canadian schools and school district administrators—principals and superintendents—are charged by school boards and provincial departments of education with supervising the operation of the schools. It is their job to ensure that the organization's goals are being met, and that its

policies and procedures are being followed. However, these are difficult tasks for the administrator to accomplish. For one thing, as was discussed in Chapter 1, there is much uncertainty about what the goals of schooling are or should be. Furthermore, education is not an activity that can be tightly specified. Teachers can't simply be told to do something and be assured that what they do will affect all student learning in similar ways.

Even when teachers are given directions, the administrator cannot be sure they will be followed. Once the classroom door closes, teachers are often substantially free to teach what and how they like, so long as they observe certain limits. In many schools, if there are not too many complaints by students or parents, if there is not much obvious disorder, and if students on the whole appear to be learning, teachers generally hold much autonomy within their classrooms to manage them as they see fit.

In short, the professional aspects of teaching and the norm of teacher autonomy mean that administrators have limited ability to exercise influence through the giving of orders or commands. Rather, administrative influence rests on other kinds of mechanisms. In a classic formulation of the nature of authority, sociologist Max Weber talked about three types of authority: traditional, legal, and charismatic. Each of these can be seen in the operation of schools.

Traditional authority used to be the most common type of authority. People were obeyed because they held positions that required obedience. Thus, monarchs, the nobility, or religious leaders were obeyed because it was normal to do so in a given social order. While traditional authority is less important in our society today than it has been historically, it still plays an important role. The traditional authority of administrators rests on their positions, which give their wishes and instructions a legitimacy that those of other people may lack. A suggestion made by a principal may often carry more weight with staff than a suggestion made by a teacher, simply because principals occupy positions of authority and are assumed by and large to know what they are doing.

Legal authority operates through the structural or organizational features of the school. Administrators evaluate teachers. They assign teachers' workloads and have an important role in determining the details of a teacher's work life. They can issue instructions that teachers are legally obligated to obey (although, as we have pointed out, this strategy is not always effective). Administrators often have control over resources teachers want, such as budgets for supplies and books or access to professional development opportunities. They can determine whose ideas get support and whose do not. Administrators also play a critical role in teachers' career prospects. A good reference from an administrator is usually vital to a promotion. Principals can and do use these mechanisms to influence or control teachers' behaviour.

Charismatic authority rests on the personal characteristics of the leader. Some people are able to command obedience by the force of their personality; they are impressive enough for others to want, or at least to agree, to do what they suggest. Indeed, when we use the word "leadership," we are often talking about charismatic authority, which rests on certain intangible qualities of the leader.

6.7 Leadership

Recently, there has been a huge revival of interest in the idea of leadership in schools. Research over the last 10 years or so has emphasized the important role of the principal in creating and sustaining quality schools. This research has led to calls for school principals to become much more oriented toward providing active leadership. Graduate programs and in-service training for school administrators are giving increasing emphasis to what is called “educational leadership” as opposed to the relatively routine and administrative style described earlier in the chapter.

Many studies, in education and other fields, have examined the nature of leadership and the characteristics that make people effective school leaders (Day & Sammons, 2014; Robinson & Gray, 2019; Seashore Louis et al., (2010); Wallin et al., 2019). This research shows that the idea of leadership is far from simple. On the one hand, it does appear that some individuals in leadership positions can make a considerable difference to their school or school district. There is much anecdotal evidence and a growing body of research about school administrators who were able to strengthen school programs, improve morale, create conditions under which students learned more, and inspire teachers to be better at their work. Effective principals have a strong interest in instructional issues. They tend to be highly visible in the school. They both initiate and support improvement efforts by teachers and students. They work hard at creating a positive school climate, a sense of purpose and efficacy, strong working relationships among teachers, and shared power and responsibility.

On the other hand, leadership is not always and necessarily a positive thing. No recipe exists for being an effective leader. What works in one school with a certain staff, student body, and community will not necessarily work in another school, an idea that is sometimes called the *contingency or situational theory* of

leadership. Some of the education literature on effective leadership portrays good leaders as knights in armour (notice the masculine quality here) who rescue failing schools almost single-handedly, triumphing over all kinds of obstacles. A number of Hollywood movies have reinforced this image of the good principal. But the reality is much more complex. The requirements of leadership may vary depending on the staff, the students, the program, the location, and other aspects of the school. In certain cases, a strong interventionist style of leadership may be most effective; in others, a quieter form of facilitated support may achieve the best results.

There are also important barriers to effective leadership in both schools and other organizations. Promoting change may bring increased conflict and a sense of uneasiness as people try to work out new practices. It may not be sufficiently recognized that changing our old and familiar patterns of behaviour is very difficult to do, even when there is a willingness to do so. A principal who presses for change may encounter resistance from staff, students, or the community. Even when people recognize that improvement is needed, they may naturally not be anxious to engage in the hard work required to bring about improvement, especially when, as is true for many teachers, their jobs are already demanding, and the rewards of change are quite uncertain.

Any individual school leader's capacity to be effective is also partly dependent on external circumstances beyond their control, such as the level of resources, support from higher levels of authority, or crises that may occur. The need to cope with a sudden budget decline can distract everyone from a long-term educational agenda. A new curriculum requirement from the provincial government may mean that professional development time has to be reallocated. Just as a cautious principal can block teachers' ideas, so a superintendent or school board can stifle a principal's initiative if they wish to do so. A large number of circumstances could make it difficult for even the most talented leader to accomplish school goals.

While we have a strong tendency to think of school leadership

in terms of “the leader” and the school principal, many authors challenge us to take a much broader view of leadership. Supovitz et al. (2019) discuss the need to advance school improvement through a distributed leadership approach that moves beyond the school principal in order to enhance educational experiences for students and increase teacher commitment to school goals. Harris and Deflaminis (2016) articulate that distributed leadership emphasizes, “leadership as practice rather than leadership as role or responsibility...on interactions rather than actions; it presupposes that leadership is not simply restricted to those with formal leadership roles but that influence and agency are widely shared” (p. 141). Raelin (2016) challenges us to take a broader view of leadership, *leadership as practice*, that is a much more shared and collaborative process. Leadership, Raelin contends, is a shared endeavour that all members of a school community enact together through the processes in which they engage to advance a common vision for the school. He discusses a number of activities in which people engage that may be tacitly understood, and hard to describe, yet all lead to the advancement of leadership practice in a school: designing approaches to implement; scanning for resources; mobilizing actors; weaving interactions and networks to build common meaning, stabilizing activity through provision of feedback for change and learning; inviting others to share ideas; unleashing opportunities for input without fear of reprisal, and; reflecting on the work of self and others to address shared needs.

The dialogue that began this chapter illustrated how different schools can be in their operation, and the importance leadership can have in creating these differences. The next section discusses typical and exemplary practices in relation to many of the aspects of life in schools for teachers.

6.8 Career Progression and Development

The following sections outline some of the common issues related to the career progression and development of teachers: hiring, contracts, induction, salaries, working conditions, professional development, supervision, evaluation, academic freedom, and dismissal/tenure procedures.

Hiring

Hiring has at least two requirements. The first is to define the qualities needed to fill a position; the second is to use some process to select a particular person who, presumably, best embodies those qualities. In practice, however, neither requirement may get explicit attention. Most schools and school divisions establish staffing needs for the upcoming year based on projected enrolments, program requirements and options, an examination of movement of staff (retirements, transfers, part-time placements, leaves, dismissals), special population needs, and current legislative regulations. From this data, the school division determines how many new professional positions it needs, and in which subject areas, for particular schools.

While the hiring process for teachers has common elements, it varies widely across schools and districts. In some settings, time may be taken to gather staff opinion or community views, and to think about the kind of person who is wanted for a position. For most teaching positions, however, selection begins with a review of qualifications (résumé, experience, type of certificate) of various

candidates, and the creation of a short list of persons to be interviewed.

School boards have the formal, legal responsibility for hiring teachers. In some cases, most of the authority for hiring teachers is given to school principals, who review applications, determine who will be interviewed, conduct the interviews – on their own or as part of a team – and recommend a candidate to the superintendent and the school board. It is crucial to note, however, that principals do not hire teachers, even though many systems rely on the principal's recommendation for hiring. In some districts, most of these tasks are the responsibility of superintendents, who then assign teachers to particular schools. Here the principal may have little or no role in choosing their staff. In other districts, especially small, rural ones, school trustees are directly involved in interviewing prospective teachers and making decisions about hiring. School boards, or the governing body of the school division, have the final authority on hiring, even if they delegate that authority to the superintendent or superintendent's office.

Schools and districts rely heavily on interviews. In some cases, though it may occur infrequently, teachers or parents may be involved in interviewing. However, research on personnel selection indicates that performance in an interview cannot accurately predict performance on the job (Cranston, 2012). Many districts or schools may rely heavily on an applicant's references, and particularly on comments from teachers or administrators who have seen the applicant in a teaching situation. For new teachers, the in-school teacher candidacy experience is very important in that it provides some practical evidence of competence that an administrator may use in making a hiring decision. Working as a substitute teacher can also be a way of becoming known and hireable in a school, although substitute teaching can be more difficult and less satisfying than regular teaching.

Subject-matter expertise is naturally an important consideration in hiring. The growth in French immersion in Canada made it relatively easy in the last decade for new teachers with good

French-language skills to find employment. Those with skills in specialist areas such as computer programming, special education, or practical and applied arts have also been at an advantage in the job market. As new priority areas emerge, administrators will look for applicants who have these skills. However, there is anecdotal evidence to suggest that hiring may also depend on entirely extraneous factors, such as whether the applicant is willing to undertake extracurricular activities or whether the applicant grew up in that particular jurisdiction. Many school systems like to hire teachers who graduated from their own schools. Employment equity should be a hiring consideration. Another criterion identified is whether the candidate will “fit in” with a particular staff, though it has been noted that “fit” often is linked to normative understandings that may reduce diversity in hiring practices. The goal of hiring may be to minimize the risk of problems rather than to find the most dynamic and effective person. The evidence suggests that university grades are often given little importance in hiring decisions.

The uncertainty in hiring processes reflects the elusiveness of the concept of the “good teacher.” A more detailed discussion of teaching occurs in Chapter 7; at this point, it is sufficient to note that there is no consensus on what good teaching is, or on how to decide if a particular person is a good teacher. This of course makes hiring much more difficult. One alternative that is being used in some settings is to use hiring as an opportunity to initiate a debate or discussion within a school regarding what qualities and skills are most important in a teacher. The very discussion of these matters can itself contribute to building consensus on issues of teaching and learning.

Employment Equity and Affirmative Action

Affirmative action is primarily a U.S. term. Ontario judge Rosalie Abella (1984), who completed a major study on the issue for the Government of Canada, preferred the term *employment equity*, by which she meant efforts to create a more balanced representation of various groups in a given work force. Employment equity has broad application in Canada in many sectors of the labour force and in many different industries. The federal government, for example, requires all companies with which it contracts to develop and implement an employment equity strategy.

Employment equity is regarded as necessary because work forces may become highly segregated in terms of race, ethnicity, or gender, and because certain groups of people have had enormous difficulty in finding employment. With respect to teachers, two areas of employment equity have been predominant in Canada: the pursuit of an ethnically and racially representative teaching profession and of gender equity in school administration.

A Representative Teaching Force

At a time when teacher turnover and a growing diversity of the population require a renewal of the profession, issues of employment equity and representation take on a particular importance.

As noted earlier, Canada—always a society characterized by cultural diversity—has articulated a constitutional and legal vision of itself that acknowledges and celebrates the richness of this diversity. Section 15 of the *Canadian Charter of Rights and Freedoms* is of particular importance in this regard, because not only does

it make discrimination by government illegal, but it also makes provision for actions that seek to redress existing inequities. For many people, a commitment to equity and intercultural education in Canada can only be, at best, partial if the teaching force generally bears little resemblance to the cultural and racial diversity of the wider society or to the communities and students with whom they work. This may also help to explain the elusive and subjective nature of what it means to be “a good teacher” or “the best candidate.”

Schools in most Canadian cities serve students from a variety of different ethnic and racial backgrounds, yet relatively few teachers, administrators, or school board members originate from these same groups (Abawi & Eizadirad, 2020; Dandala, 2020; Ontario College of Teachers, 2020). In some cities and in much of northern Canada, large numbers of students are Indigenous, yet Indigenous teachers and administrators remain underrepresented in these schools. At least three quite different justifications can be made for a representative teaching force at the system level. The importance of teachers as role models for students from non-dominant backgrounds is one such justification, but equally important is their presence to challenge the development of stereotypes and prejudices among dominant-group students. Second, if schools do indeed value culturally relevant curricula, such teachers are likely to bring to the system a range of knowledge, skills, experiences, and sensitivities that would be enriching. Third, from an employment perspective, school systems might justifiably be asked to examine why, as major employers, they do not draw equally from the population of their communities, and to take steps to remove unreasonable barriers in their hiring and personnel practices.

Canada has a number of innovative teacher-education programs that train Indigenous students and students from other underrepresented groups as teachers. Many Canadian universities, including British Columbia, Brandon, Saskatchewan, Lakehead, McGill, and Memorial, operate programs that specifically recruit Indigenous people into teaching. Usually, these programs pay particular attention to Indigenous identity, cultures and languages,

and they graduate teachers for both provincial public and First Nations school systems. These programs have brought about a substantial increase in the number of Indigenous teachers in First Nation schools. However, in provincial schools, with or without large Indigenous student populations, the small number of Indigenous teachers remains a challenge. Today, most teacher education programs have an equity mandate that makes increasing the diversity of teacher graduates a central concern. Across the country as a whole there is a greater recognition of and focus on the fact that the student populations of our faculties of education should more fully reflect the cultural and racial diversity of the wider population. Some school divisions have created equity policies designed to eliminate culturally biased and racist practices, and to actively recruit teachers from underrepresented groups, though critiques of what remains unrepresented exist (Shewchuk & Cooper, 2018).

Women and Administration

Much of the research on women in administration addresses their representation, career development, and leadership/management style. Currently, more women than men complete advanced degrees in educational administration, yet their numbers in administrative positions overall are disproportionate to their representation in the field of education, and those of racialized women even moreso (Kachur-Reico & Wallin, 2012; Tarbutton, 2019; Whitehead et al., 2018). While the proportion of women in leadership positions continues to grow, especially as more men leave the field of education (Statistics Canada, Table 37-10-0153-01), their representation remains uneven, demographically and positionally. For instance, women are more apt to hold assistant positions (vice principal or assistant superintendent) than they are to hold chief positions (principal or superintendent). They are also more apt to

hold elementary principalships than middle or high school principalships (Guihan, 2019; Wallin, 2005). While the career paths of males and females appear to have become more similar in the past few years, there is evidence that women still do not receive the same kinds of encouragement or socialization into their administrative roles as do men, and that women still face gender discrimination and barriers that are both individual and systemic (Netshitangani, 2018; Wallin & Wallace, 2018). Unfortunately, the lack of a reliable data base that records gender statistics prevents an accurate assessment of progress toward gender equity in Canadian education.

In the past there was a strong tendency to characterize women as having a more democratic and participatory style of leadership than men, suggesting that there is something that can be uniquely referred to as a “female leadership style” (Shakeshaft, 2000). However, much contemporary work on women in leadership speaks back to this essentializing notion of a “sisterhood,” noting that the experiences and reports of what constitutes female leadership has largely been written by, and about, cisgender white women. These authors suggest that gender intersects with race, culture, age, sexual identity, socioeconomic status, and residence in Western or non-Western societies (Fitzgerald, 2006; Lumby, 2014; Nash & Peters, 2020). More attention has to be paid to nuanced and diverse understandings of women’s experiences in, and enactment of, leadership. These are the kinds of gender issues with which all educators must struggle as they strive toward a democratic and equitable education system.

The lack of a reliable data-base raises questions related to equity in education. For example, what does it mean to achieve equity in terms of representation? Can equity be framed in terms of the numbers of women versus the numbers of men, the numbers overall, by position, or by kind of district? Are women advancing disproportionately in certain types of schools, school districts, or positions? Are they receiving positions more often in circumstances where attracting candidates is difficult? Have school divisions

maintained (or even initiated) a focus on gender-equitable practice, or is there a sense that gender equity is “old news,” and we no longer have to pay attention to it? To what extent have changes in family structure, parenting roles, and social attitudes blurred gender roles between males and females? Do men experience barriers to movement into and within administration, and if so, how are the barriers similar to or different from those experienced by women? Is there a “female leadership style” or have men and women become more similar in their leadership styles, especially in a field such as education? Because we lack consistent comparative studies of males and females, it is difficult to determine how much style differences are actually shaped by gender and how much by role identities or socialization patterns.

Another concern relates to the movement of men out of the profession that is noted in tables 6.2.4 and 6.2.5. Historically, when females begin to dominate a profession, that profession becomes devalued in society. If such is the case, where is the balance between gender equity, representation, and the “tipping point” that could devalue the profession of education as a whole, causing negative consequences for all professionals in education?

Employment-Equity Measures

What steps can be taken to increase the numbers of differently positioned women, Indigenous people, and other underrepresented groups among teachers and administrators? A wide range of employment-equity programs has already been established in organizations. Although much of the debate over employment equity focuses on the idea of quotas (in which some portion of a set of jobs is reserved for members of target groups), the use of quotas is in fact relatively rare, and is only one of many ways to strengthen the presence of affirmative-action target groups. Some of these include:

- specific efforts to find qualified applicants from target groups, and to encourage them to apply;
- providing training to target group members to increase their qualifications and chance of being selected;
- providing training to those on selection committees in order to guard against unwarranted biases in hiring;
- providing guidelines for job criteria that are not systematically exclusive of certain groups (e.g., qualifications such as height or coaching experience); and
- changing workplace conditions to make jobs more attractive to target group members (e.g., providing daycare or allowing staff flexibility with respect to religious holidays).

Section 15 of the *Charter of Rights and Freedoms* clearly allows affirmative-action employment-equity provisions. Furthermore, until we are successful in having a distribution of teachers and administrators that is more consistent with the overall population, employment-equity measures appear to be warranted, and are likely to continue in Canada.

Contracts

Teachers are formally the employees of school districts. When hired, a teacher normally signs a contract with a school district. However, the contract typically lays out only some of the most basic aspects of the job, such as the notice required for resignation or dismissal. There may be different kinds of contracts for different teachers. A standard contract applies to people who are taking on permanent, full-time positions. However, teachers who are going to be employed temporarily, part-time, or as substitutes may have a different form of contract with fewer protections and benefits. A number of provinces, for example, now allow school districts to hire teachers on temporary contracts that expire automatically at

the end of the school year. These contracts give school districts more flexibility in their staffing from year to year, but at the price of eliminating job security for teachers in this category, who must wait to find out each spring if they will have a job the following year.

It is also important for prospective teachers to understand that an undertaking made either by them or the school district through a letter or even a conversation or phone call is also a form of contract. Any agreement entered into by two parties may be recognized by the court as a binding contract, even if it is not a formal document.

Induction

Induction refers to the processes used by school divisions to orient teachers new to the division, whether they are new to teaching in general, or new to employment within that particular division. For many years, concern has been expressed about the way in which first-year teachers are treated. In some cases, new teachers may be given teaching assignments other teachers do not want. These could involve teaching several different subjects or different grades. Whatever the teaching assignment, new teachers may simply begin on the first day, with no orientation, no support system, and little help in dealing with problems that inevitably arise. This is the “sink or swim” attitude that can make or break a new teacher’s likelihood of remaining in the profession.

Fortunately, many school districts are now taking measures to improve the experience of first-year teachers. Administrators are realizing that it is to the school’s and students’ benefit to make the first year as satisfying as possible for new teachers. It is increasingly common to find districts providing measures such as orientation sessions, mentoring arrangements with more experienced teachers, lighter teaching loads, extra support from the principal, group meetings of beginning teachers, or special professional development opportunities to support new teachers. Improving the

first year of new teachers is a relatively easy, yet potentially powerful, way of improving schooling.

The Australian Guidelines for Teacher Induction (2018) state that teacher induction should focus on four areas: professional practices, professional identity, wellbeing, and orientation. Practice-focused mentoring is considered to be one of the most powerful supports for teacher induction, though induction programs are strengthened with the inclusion of a range of strategies, including “practice-focused mentoring, leadership contact, participation in collaborative networks, targeted professional learning, observation and reflection on teaching, practical information and time allocation” (p. 2).

In fact, many school divisions across Canada now ensure that there is some sort of induction process available for new teachers. Having a good induction process is an incentive for teachers to apply to the division, and helps school divisions retain good teachers once they come on board. For example, the provincial government in Ontario has created the New Teacher Induction Program (2019) for all first-year teachers (Ontario Ministry of Education, 2019). Most often, induction programs are developed by individual school divisions through mentorship programs, reduced teaching loads, or other incentives that help ease the transition into full-time teaching.

Salaries

Teachers are generally paid annual salaries. Salaries are determined through collective bargaining between teachers’ associations and either school boards or provincial governments (an issue more fully discussed in Chapter 9). Pay rates for teachers in Canada are normally tied closely to the teacher’s experience and education. The more years of postsecondary education, the higher the starting salary. Most collective agreements also provide that teachers will

get an increase in salary, called an increment, for each year of teaching experience up to a specified maximum number of years. Teachers working in remote or isolated communities may also be paid extra, whether through a higher salary scale or some form of isolation payment.

In all of the provinces except Alberta, Manitoba, and Ontario, basic salary and fringe benefits are as of the year 2021, negotiated at a provincial level between teachers' associations and the provincial government. In the three provinces mentioned, negotiations of salary are conducted between the teachers' association and the local school division or region. Collective agreements also contain salary and other provisions for administrators, if they are part of the bargaining unit. Fringe benefits may include such issues as compassionate leave, supplementary medical insurance, cumulative sick leave, long-term disability insurance, maternity leave, retirement gratuities, sabbatical and study leave, life insurance, and dental insurance. A new teacher is wise to compare the fringe benefits of different divisions, as they can vary greatly.

Pay levels vary from province to province, and in provinces where collective bargaining of salaries is carried on locally (see Chapter 9), salaries vary across school boards. Table 6.8.1 shows a salary scale for Saskatchewan teachers that is in effect until 2023.

Teachers' pay, like that of other public-sector workers, increased significantly in the 30 or 40 years prior to the early 1990s. Early in the 1900s, teachers were badly paid. During the Depression years, many teachers had their salaries reduced every year, or worked only for room and board (Library and Archives Canada, 2010). But this situation began to change in the 1950s with the establishment of unions as a major force and the increased importance to economic development attached to levels of education. By 1989, the average salary for Canadian teachers was about \$48,000 (Sale, 1992), while in comparison the average weekly industrial wage in Ontario (among the highest in the country) in 1991 was \$560, or about \$29,000 per year (Statistics Canada, 1992).

The late 1990s were characterized by pay freezes, unilateral salary

rollbacks, days off without pay, and reductions in professional development days for teachers in many provinces. However, in the last few years salaries for Canadian teachers have begun again to rise. Despite these ups and downs, Canadian teachers remain, on the whole, quite well paid compared with most other Canadian workers (keeping in mind the problems of comparison raised in Chapter 5 with respect to education funding). Table 6.8.2 shows the average educator's salary from 2006/2007 to 2010/2011. However, these figures reflect average salaries, and must keep in mind, as shown in Table 6.2.4, that starting salaries are lower than these.

Table 6.8.1
Sample Salary Scale for Teachers in 2023 (2019/2023 Agreement)

Step	One Degree	Two Degrees	More
1	\$59,459	\$62,828	\$66,940
2	\$62,116	\$65,588	\$69,824
3	\$64,893	\$68,466	\$72,831
4	\$67,793	\$71,470	\$75,966
5	\$70,822	\$74,611	\$79,239
6	\$73,989	\$77,885	\$82,650
7	\$77,294	\$81,304	\$86,210
8	\$80,749	\$84,871	\$89,922
9	\$84,358	\$88,598	\$93,797
10	\$88,127	\$92,487	\$97,834
15	\$82,067	\$96,547	\$102,048

Source. Adapted from Provincial Collective Agreement Between The Boards of Education and Government of Saskatchewan and The Teachers of Saskatchewan. Effective September 1, 2019–August 31, 2023.

Table 6.8.2
Average Remuneration Per Educator in Primary and Secondary Schools by OECD Countries and Economies, 2019

	Primary		Secondary	
	Starting Salary	Salary at Top of Salary Scale	Starting Salary	Salary at Top of Salary Scale
Canada	\$40,504 USD, \$53,733 CAD	\$70,698 USD, \$93,789 CAD	\$40,504 USD, \$53,733 CAD	\$70,698 USD, \$93,789 CAD
Rank	11th	9th	11th	10th
OECD Average	\$33,914 USD, \$44,991 CAD	\$56,513 USD, \$74,971 CAD	\$35,073 USD, \$46,528 CAD	\$59,161 USD, \$78,484 CAD
Countries with Higher Average Salaries	Australia, Austria, Denmark, Germany, Luxembourg, Netherlands, Spain, Sweden, Switzerland, United States	Austria, Germany, Ireland, Korea, Luxembourg, Portugal, Switzerland, United States	Australia, Austria, Denmark, Germany, Luxembourg, Netherlands, Spain, Sweden, Switzerland, United States	Austria, Germany, Ireland, Korea, Luxembourg, Netherlands, Portugal, Switzerland, United States
Country with Highest Average Salary	Luxembourg, \$70,295 USD, \$93,254 CAD	Luxembourg, \$124,187 USD, \$164,748 CAD	Luxembourg, \$79,667 USD, \$105,687 CAD	Luxembourg, \$139,336 USD, \$184,845 CAD
Country with Lowest Average Salary	Slovak Republic, \$14,969 USD, \$19,858 CAD	Slovak Republic, \$23,189 USD, \$30,763 CAD	Slovak Republic, \$14,969 USD, \$19,858 CAD	Slovak Republic, \$23,189 USD, \$30,763 CAD

Note. Includes average of 36 countries and four economies

Note. Approximate CAD in 2019 calculated using the average conversion rate for the year 2019 which was 0.7538 USD

Source. OECD. (2020). *Education at a glance*. <https://doi.org/10.1787/69096873-en>

Note that teachers' pay provisions are generally based on the bureaucratic organizational model and are thus related only to qualifications and to years in the organization. Other aspects of teaching, such as skill or commitment, or the voluntary assumption of additional duties and responsibilities, are not recognized in the pay scale. For many years there have been calls, especially in the

United States, to implement some form of merit pay in which teachers who are judged better by some standard are paid more. Given the characteristics of teaching mentioned earlier (its uncertain, non-technical, and isolated nature), determining merit is extremely difficult. Moreover, teachers do not control most of their conditions of work, which means that their ability to work is at least partly determined by someone else. Merit pay is strongly opposed by teacher unions in Canada, but it remains debated in educational policy circles.

Working Conditions

Working conditions refer to the multitude of factors that affect the everyday working situation of teachers. Examples of working conditions include class sizes, number of courses taught, preparation time during the school day, expectations for extracurricular activities and supervision of students, placement of difficult students, expectations for marking and for reporting to parents, and so on. The entire set of working conditions is important in shaping teachers' work. For example, it usually takes more effort to teach several different courses than to teach the same course to several different groups of students, but this also depends on the size of the classes and the student composition. Some teachers have found their work made significantly more challenging by the increasing diversity of student composition in their classes, something discussed more fully in Chapter 7.

Teachers' duties are assigned by school boards and administrators, and teachers are required to take on the assigned duties unless their collective agreement specifies otherwise. A teacher can be assigned to teach any grade or subject, regardless of training, except in the few instances where provincial regulations require a specific qualification. For example, in some provinces teachers must have a special certificate, acquired through

additional training, to work as special education teachers. A teacher's workload can be changed at the end of, or during, the school year. Aspects of working conditions, such as maximum class size (whether or not there are split-grade classes) or the amount of non-teaching (preparation) time teachers must receive, may be regulated either by the collective agreement or at the discretion of the school district or school administration. However, for the most part, teachers have relatively little control over their working conditions, which puts schools closer to the bureaucratic than to the professional model.

Teachers' working conditions are affected significantly by developments outside of the school. For example, if unemployment increases, more children may have to cope with declines in family income and living standards, and with the increased frustration of an unemployed parent. Poverty has, for many reasons, a very strong negative impact on children's ability to benefit from school. As well, social issues within the community have a tendency to find their way into the school, so schools (and therefore teachers), are increasingly being asked to initiate and maintain programs that focus on social issues as well as academic learning.

Class Size

A survey in 2004 commissioned by the Canadian Teachers' Federation indicated that 76% of Canadians believed that class sizes in Canadian schools were too large, and 77% of the respondents believed that large class sizes and increasingly heavy workloads were a primary reason why young or beginning teachers leave the profession after a few years. Class size and composition studies and reports have also been conducted by a number of teachers' associations in British Columbia, Alberta, Manitoba, and Ontario. Several provinces have taken steps in recent years to reduce class sizes. For example, the Ontario government in 2003 made a

commitment to limit primary class sizes to a maximum of 20 by 2007 and further extended this initiative in 2005. Manitoba made a similar commitment in 2012 to be realized by 2017. Class size and composition became a significant concern in Saskatchewan in 2019 and was the main premise for job action taken by federation members during collective agreement negotiations. In times of economic recession and/or significant fluctuations in school enrolments, class size and composition have a major impact on teacher workload concerns and is unlikely to disappear as a collective bargaining discussion item.

Preparation Time

Another important working condition for teachers is the amount of time they have each day when they are not actually teaching a class. This is commonly called preparation (or prep) time. In 2014, the Elementary Teachers Federation of Ontario released a workload and professionalism study describing the most common activities in which teachers engage during their preparation time. Not surprisingly, the activities most commonly reported included assessing and evaluating student work and finding resources. A little over a third of respondents noted that they frequently or always use their time to talk to other teachers about concerns, meetings with others to discuss student learning, or telephoning or emailing parents. Fewer teachers noted that their preparation time was used for collaborative planning, speaking to administrators, maintaining classroom websites or using social media to connect with parents.

There are, however, considerable variations in what constitutes preparation time for teachers. In British Columbia, elementary teachers have 110 minutes per week, while in Winnipeg they have 180 minutes per cycle (six days) and secondary teachers have 240 minutes of preparation time per six-day cycle. The collective agreement in Prince Edward Island is much more ambiguous,

whereby teachers “shall have regularly scheduled class time free each cycle from teaching or supervision for purposes of preparation, consultation and/or administrative tasks provided it does not result in a need for additional staff resources” (section 36.03, 2020).

Professional Development

All schools and school systems recognize the need for teachers and administrators to continue to learn about their work. Professional development or in-service training are the names given to the various formal and informal opportunities provided to teachers to improve themselves. Professional development can include everything from informal after-school teachers’ meetings to university degree programs.

Most Canadian school systems provide structured professional development activities. Provinces normally set aside a certain number of days in each school year (from five to twelve days is typical) when schools can be closed to students to allow teachers to meet. In addition to these, schools may organize a wide range of other professional development activities either outside of school hours or during school time (using substitute teachers to cover classes). Many teachers devote considerable amounts of their own time and money to study and improvement activities of various kinds.

Despite the amount of effort that goes into their preparation, studies typically report that teachers are not very satisfied with their professional development experiences, which are seen as having little impact on subsequent activity in the classroom (Hurley et al., 2018). The ideas raised may be unrealistic, may require substantial skill (which teachers are not able to develop in one or two days), may not fit with the rules and procedures of a school, or may be popular one year but forgotten the next. All of these

problems reduce the potential value of professional development. Darling-Hammond and McLaughlin (2011) point out that effective staff development must include the following:

- It must engage teachers in concrete tasks of teaching, assessment, observation, and reflection that illuminate the processes of learning and development.
- It must be grounded in inquiry, reflection, and experimentation that are participant-driven.
- It must be collaborative, involving a sharing of knowledge among educators and a focus on teachers' communities of practice rather than on individual teachers.
- It must be connected to and derived from teachers' work with their students.
- It must be sustained, ongoing, intensive, and supported by modelling, coaching, and the collective solving of specific problems of practice.
- It must be connected to other aspects of school change. (p. 82)

The development of a professional model of teaching has generated much more interest in making professional development a valuable process. Much of the change in professional development has been influenced by educational research that has supported practices such as peer coaching (in which teachers work with one another to improve particular aspects of their teaching) and reflective practice (in which teachers gather information about their own teaching and use it as the basis for planning changes). Increasing efforts are also being made to integrate professional development with other school activities such as evaluation practice or curriculum development, to provide ongoing support for teachers who are trying to make changes in their practice, and to create collaborative relationships among teachers to support change. The concept of schools as learning organizations (OECD, 2016) places these notions of professional development—the building of personal, interpersonal, and organizational capacity—at the heart of school

improvement. Here the learning of teachers, and the capacity of the school community at large to learn together to improve the educational experiences in the school, becomes a vital part of the organizational life of the school. This concept provides a powerful model for the increased professionalism of teachers for energizing life in schools.

Supervision

The degree to which teachers are supervised in their work also varies enormously from school to school. Though at one time, teachers rarely saw another adult in their classroom during the course of the year, it is now much more common to see multiple adults (educational assistants, consultants, Knowledge Keepers, special educators, etc.) inside the classroom. Although principals are also responsible to engage in instructional leadership in the school, the regularity and consistency of principal supervision in classroom remains uneven in many schools.

The fact that formal supervision exists as a normal feature of schools is an indication of the influence of the bureaucratic model. In professional settings, however, supervision by superiors is typically replaced by a peer-governed process of quality control in which members of the profession set up systems to examine one another's practice.

Teachers have mixed opinions on the matter of supervision. On the one hand, most teachers value the autonomy they have in the classroom, and their ability to organize teaching in a way that they feel suits them and their students. Teachers may worry that too many visits by an administrator will result in more external control over their work and more instructions to them to change what they are doing. On the other hand, most teachers have a real interest in improving their teaching, and they recognize that feedback from others can be very helpful in doing so. One of the key factors in

the perceptions of teachers in regards to supervision is the development of professional and trusting relationships between principals and teachers.

Recent thinking in education, as indicated earlier, emphasizes the role of the principal as an instructional leader. This orientation urges principals to shift their priorities from administrative duties to improving their schools' instructional programs, and to achieve this goal by working closely with teachers (Robinson, 2010). Under the instructional leadership approach, principals spend much more time in classrooms, learn about what teachers are doing, and discuss educational issues with them. This approach seeks to move schools closer to a professional model of organization.

Evaluation

Almost all educational jurisdictions have policies requiring the formal evaluation of teachers on a regular basis. First-year teachers can expect to be evaluated more frequently (and more carefully) than more experienced teachers.

Evaluation has two purposes. One of these is to help teachers improve their teaching; this is commonly referred to as *formative evaluation*. The second function of evaluation is to find and deal with teachers whose performance is not acceptable; this is called *summative evaluation*.

Most teacher evaluation policies attempt to combine both of these functions in a single set of practices. The evaluation most commonly in use involves a *conference model*. The person doing the evaluation (usually, but not always, the school principal) meets with the teacher being evaluated to discuss and agree on how the evaluation will be conducted. This may involve matters such as how many classroom visits will be made, when they will be made, what specific aspects of teaching will be looked at most closely, and any other matters that either the teacher or the principal may wish

to have considered. Following whatever classroom visits and other measures have been agreed to, the evaluator and the teacher will meet again to discuss the results of the evaluation. The evaluator will provide a written report on the evaluation, and the teacher will have an opportunity to comment on the report. The evaluator may then revise the report in light of the teacher's views. A final version of the evaluation report, together with any written comments the teacher wishes to make, are normally placed in the teacher's personnel file, which is held by the school district. These procedures have been developed and adopted to protect teachers from unfair and arbitrary evaluation that could lead to dismissal.

At the heart of the debate about teacher evaluation is the distinction between hierarchical and professional models of schools. In a hierarchical model, it is clearly the job of managers to evaluate workers and determine whether they are competent. In a professional organization, however, managers may not be knowledgeable enough to make judgments about competence. Hospital administrators do not judge the quality of medical practice, for example. Instead, evaluation in professional settings relies primarily on peer assessment and on standards of practice.

Teacher-evaluation efforts have been troubled by several problems. First, it is difficult to combine formative and summative evaluation in a single policy. Many commentators on the issue feel that as long as teachers are concerned that the evaluation may be used against them, they are unlikely to be open in raising concerns about improvements in their own teaching. Making decisions about whether to retain teachers on staff is not consistent with creating an open climate for discussing teaching and its improvement.

There are also serious technical problems with teacher evaluation. The point has already been made that there is no single style of good teaching. Indeed, people will disagree in many cases on what good teaching is. When agreement on good practice is hard to obtain, there is an obvious problem in evaluating when good practice is occurring. For example, a teacher may favour a more open and student-centred teaching style, while the evaluator

favours a more controlled and disciplined approach. It is not evident that one of them is right and the other wrong, but their different views would certainly affect the evaluation.

Most teacher evaluation occurs through classroom visits by evaluators. But there are questions about the validity of this technique. Are evaluators' judgments, biased as they are on only a relatively brief time in a classroom, the best measure of good teaching? What about cases where the evaluator knows little about the particular subject or age group? What happens if the evaluator and the teacher happen to dislike each other? There are many potential sources of bias in evaluations done through observations. Each evaluative approach discussed above may have some value, but each also has significant weaknesses. There is no agreement in the research on any particular evaluation practice that can be demonstrated to have a high level of validity. As well, in the overwhelming majority of cases, evaluation reports are quite positive. However, many teachers express the desire to be given feedback that will help them improve; a formal report based on a single observation is not viewed by teachers as being particularly useful, even if it is nice to be told one is doing a good job.

In the last few years, some school districts have begun to move toward a form of evaluation policy called the *two-track model*. Under this scheme, most teachers do not have formal evaluations. Instead, they work with their administrator to define areas in which they would like to review their teaching practice and make changes. The plan they develop for doing so might include professional development activities, work with fellow teachers, directed reading, classroom observations by administrators, or other steps. Data may include that found in student reports, parent reports, peer review of materials and/or practice, teacher tests, documentation of professional activity, systematic observation, pupil achievement data, successful action research, participation in school improvement, administrator report, and data unique to the individual teacher. This work is carried out strictly for purposes of self-improvement. Often, this kind of data is arranged in a portfolio

that is provided to the evaluator for assessment. No formal reports are prepared, and no evaluative comments are placed in the personnel file. The teacher and the evaluator work through the portfolio together, initiating a professional conversation that allows for reflection and performance feedback. Obviously, the time it takes to create the portfolio and conduct this type of evaluation is its primary deterrent, even though the level and quality of feedback may be very valuable. Box 6.8.1 outlines Seven Oaks (Manitoba) School Division's policy regarding its Professional Learning Framework.

Box 6.8.1

Professional Learning Framework

Seven Oaks School Division desires high quality education for its students. Quality instruction is concomitant with quality education. Effective teaching forms the foundation on which quality education is based.

Teachers, acting as professionals who serve the public interest, must be personally responsible and accountable for their professional judgments and actions. They must ensure that they are current in the knowledge of the profession and must take responsibility for the application of that knowledge in diverse situations. The Professional Learning Framework requires that teachers engage in examination of their practice by:

- documenting and showing evidence of teaching practice through the use of a professional portfolio, personal journal, interactive journal or other means;

- reflecting upon one's practice to link the theoretical frameworks and broader purposes of education to one's actions in the classroom;
- dialoguing with peers and administrators to consider educational judgments made and how they link one's knowledge and practice;
- giving consideration to other relevant perspectives;
- finding ways for research to inform practice as well as for practice to inform research;
- acting upon new understandings; and
- preparation of an Annual Reflection on Professional Learning to be discussed with administrators and submitted to the Superintendents' Department for placement in the personnel record.

In the Professional Learning Framework reflection, dialogue and action are built upon enabling conditions of trust and open communication. Leadership built on trust and communication will foster the professional learning that results through reflection, dialogue, and action.

Administrators and teachers benefit from collegial discussion of education and teaching and are encouraged to engage in such discussion frequently. Educational judgment is negotiated through reflective dialogue.

Source. Seven Oaks School Division. (2005). *Policy GBI: Professional Learning Framework*. Seven Oaks School Division Policy Manual. Reprinted By Permission

A smaller number of teachers will be in a formal evaluation track. Teachers might choose to be evaluated formally, perhaps because they want something on their record about their teaching performance. Alternatively, administrators may identify teachers

whom they wish to evaluate formally. These could be new teachers, teachers moving into a different subject area, or teachers about whose competence the administrator may have concerns. For teachers in the formal mode, the procedure would be similar to that described for the conference model. The two-track model is intended to increase the emphasis on the improvement of teaching, while reserving more formal evaluations for the relatively small number of cases where they are wanted or needed.

Academic Freedom

As employees of a school district, which is governed by provincial regulations and curriculum requirements, teachers are not free to teach whatever content they want. In universities, professors are recognized as having academic freedom, which means that they are able to teach in their classes the knowledge they consider to be most important and worthwhile, even if these ideas are controversial or unpopular.

In Canada, teachers are required by law to teach the curriculum as established by the province or other legitimate authorities and to obey the legitimate instructions given to them by administrators and school boards. A teacher can be dismissed for refusing to do so. In the well-known Alberta case, Jim Keegstra taught for years an anti-Semitic version of history in which he held Jews to be responsible for most wars, economic depressions, and other human tragedies. Keegstra was eventually dismissed by the local board of education, not because of his anti-Semitic teachings, but because he had refused to obey an instruction from the superintendent to teach only the Alberta history curriculum (Schwartz, 1986). However, Keegstra was not involved in a case of academic freedom, because, as the courts related, there can be no academic freedom to teach what is false (Hurlbert & Hurlbert, 1992).

It is true, however, that teachers in schools are not free to

determine what subject matter they will teach. Nor in most schools is it easy for teachers to raise in their classes controversial issues such as politics, sexual identity, or topics that are significantly impacted by religious values. For example, in the case of *Chamberlain v. Surrey Board of Education* No. 36 (2002), a kindergarten–grade 1 teacher asked the school board to approve three books depicting families with same-sex parents. The board refused because it knew many parents would object to the books, primarily on religious grounds. In a 7–2 decision, the Supreme Court of Canada ruled that the board had to reconsider its decision using only the criteria in the *School Act*, stating that decisions of the board were to be secular in nature. In other words, although the board had the right to refuse the books, the grounds they had used to reject the books were found to be unjust; tolerance and diversity was upheld (but, again, not academic freedom *per se*). In 2003, a committee consisting of eight parents, two trustees, two teachers, and two principals, convened by the Surrey School Board to review “sensitive” materials based on specific local school board and Ministry of Education criteria, voted to include two books that involved same-sex parents for use under the family-life curriculum. Although the ruling in the end supported the teacher’s desire to use sensitive material, the criteria upon which those kinds of decisions have to be made are very complex.

In an article that examined Canadian case law to determine the boundaries of teachers’ freedom of expression in public schools, de Britto (2018) acknowledged that rulings could be interpreted in the following manner:

trust and responsibility guides the interpretation of this fundamental freedom for teachers, who should neither act as class monarchs, absolutely free of restraints, nor as hired mouth, narrowly limited to the official curriculum.... the ethical duties of preventing harm to students and engaging in responsible pedagogy circumscribe Canadian schoolteachers’ freedom of expression. (p. 783)

Teachers must exercise caution to ensure that their approach to controversial issues fits with the required curriculum, is as fair and objective as possible, and is appropriate to the needs and abilities of students. In fact, many school districts have policies on teaching controversial issues, and require teachers to obtain permission from school administrators before raising these issues in class.

Dismissal and Tenure

The history of Canadian education has a number of examples of teachers being fired because they did something controversial, or because they disagreed with or challenged a decision of the school board, regardless of their competence as teachers. For instance, for many years in Canada, getting married was grounds for automatic dismissal for any female teacher.

Over time, teachers have been able to protect themselves from arbitrary firing. Most of the improvement occurred through advancements in collective bargaining, as teachers' organizations and school districts made agreements that were intended to protect teachers from unjustified dismissal. At present in Canada, teachers can be dismissed for several reasons. First of all, school districts, as employers, have the right to eliminate teaching jobs for budgetary or programmatic reasons, which is termed dismissal due to *redundancy*. Depending on the provisions in collective agreements, layoffs of this kind may be based on seniority or other criteria, or may be at the discretion of the school board.

New teachers may, depending on the province, hold what are called *probationary appointments* for one or two years. This means they can be dismissed by a school board during this time without having a right to a third-party appeal through arbitration; in other words, teachers who are on probationary appointments have no due process rights and can be terminated without much fuss.

Once teachers have been in a particular school district for more

than the probationary period, they acquire tenure or, in more formal terms, the right to *due process*. This does not mean that a teacher has a guaranteed job for life! It does mean that a teacher cannot be dismissed without being given legitimate reasons for the dismissal, and without having the right to challenge the dismissal through a process of arbitration.

What are valid reasons for dismissing a teacher? The most common reasons have to do with incompetence, moral turpitude (being convicted of a serious crime, sexual offences), extensive absenteeism without justification, or other such actions. Teachers can also be dismissed for failing to obey a legitimate instruction of the school board. Thus, if a school board instructed teachers to follow a particular curriculum, a teacher who refused to do so could be dismissed.

None of these grounds for dismissal can be applied in a simple way. Through a series of laws and court decisions, an understanding has gradually developed of what would constitute reasonable grounds for dismissal. In almost any attempt to fire a teacher, the school board would have to show that it had given the teacher notice that there was a significant problem, and that the board had made real efforts to help the teacher eliminate the problem. A school board that had a concern about a teacher's competence would need to show that the teacher had been informed (usually in writing) of the concern, and that efforts had been made to help the teacher improve his or her skills. Only when such efforts had been made, and had clearly failed, would a move for dismissal have very much likelihood of being successful. Essentially, the onus is on the school board to prove its case. The demonstration of incompetence as a teacher is particularly difficult to establish to the satisfaction of an arbitration board, especially where teachers have, over time, received positive evaluations that stand as a record of their competence.

Teachers' organizations continue to play an important role in safeguarding teachers' rights to continued employment. A teacher who fears dismissal will usually contact his or her association to

seek advice and assistance. When dismissals end up in arbitration, the teacher's costs are usually borne by the teachers' association.

Of course, dismissal is a very blunt and powerful instrument, and one that may be inappropriate given some situations where providing help to an individual in need should be more important than taking away a career. On the other hand, although protection from arbitrary or unfair dismissal is important, this protection should not come at the expense of students who remain under the tutelage of a teacher who is doing them more harm than good.

An alternative mechanism for disciplining teachers is rooted in the professional model of doctors or engineers, in which the professional group is responsible for disciplining its own members. Teachers' organizations in Canada have pressed for such authority, as discussed in Chapter 9, and provinces with colleges of teachers have assigned this role to the colleges.

6.9 Conclusion

Canadian schools tend to embody very similar policies and procedures for organizing the work of teachers, from hiring through workload determination and supervision. There is nothing inevitable about these arrangements, and arguments have been made for significant changes to them. As long as current processes are largely taken for granted, however, the necessary debate and discussion about better alternatives will not occur. Teachers need to be aware of the reasons for current practice, and to think about ways in which the organization of their work might be improved.

Exercises

1. Obtain an age profile for teachers in your province and, if possible, data on attrition rates from teaching. What estimates might you make of the numbers of teachers who might be leaving teaching in the next five to ten years? What factors might change teachers' plans to retire or leave teaching?
2. Discuss ways in which Canada might address the shortage of teachers in some geographical areas and subject specializations.
3. Are schools overly bureaucratic? Use examples to create a debate that argues for both possible responses.
4. Interview one or two teachers. Ask them to identify the best and worst aspects of teaching. Ask about differences in the various schools in which they may have taught. What conclusions can you draw from their comments?
5. Observe the work of the principal in the school in which you are student teaching or observing. How often is the principal in classrooms? What does he or she do while there? What sort of communication does the principal have with teachers? What is the primary content of these communications? As you see it, what is the principal trying to accomplish in the school?
6. Find out how teachers are hired in a local school district. Are all jobs advertised? How many people are interviewed? Who does the interviewing? Who makes

final decisions about hiring? Who else is involved in hiring decisions?

7. Find out what provisions, if any, are made to induct new teachers into a local school or district.
8. Do a brief write-up of professional development activities, either in the school as a whole or as practised by one or two teachers. In what activities do people participate? How useful do they seem to be?
9. Obtain a copy of the teacher-evaluation policy in a local school or district. To what extent does it embody the traditional model described in this chapter? What other features does it have?
10. Try to obtain the written judgment of an arbitration proceeding over teacher dismissal. What arguments and evidence were advanced for and against dismissal? Which arguments appear to have been most successful? What grounds did the arbitrator use in arriving at a decision?
11. Obtain the list of school administrators from a local school district. Compare the numbers of men and women at each level. How have these proportions changed over the last 10 years? What gender issues, if any, have you noticed or experienced occurring in schools?
12. Ask the provincial teachers' association or society whether any school districts in your province have employment equity or affirmative action plans. Obtain a copy of such a plan if you can. What are its central features? What impact do you think such a plan will have? Why?

CHAPTER SEVEN: TEACHERS, STUDENTS, AND TEACHING

7.1 Prologue

“Linda, do you have a few minutes to spare?” Linda Chartrand looked up from her pile of marking. Toni Nord, the new teacher on staff, was standing in the doorway of Linda’s classroom looking rather nervously.

“Sure,” Linda said. “Come in and sit down. Please shut the door behind you so we won’t be interrupted. Now, what can I do for you?”

“I wanted to ask you about the debate at the last staff meeting about students’ needs and how we meet them. You seemed to feel that we need to change quite a few of our teaching practices. I know you mentioned doing more inquiry learning and changing our assessment policies. I hadn’t thought much about that, but what you said made sense in terms of my class. Can you tell me some more?”

“Well,” Linda began, “my basic feeling is that sometimes we do things in schools in ways that don’t help students very much. It has more to do with the way schools were 50 or 100 years ago, and with sorting students instead of helping them learn. Take the issue of ability grouping in the elementary grades. My understanding of the research is that ability grouping isn’t a good strategy. Kids in the lower-ability groups actually do less reading, and the instruction they receive is quite different from that given to the kids in the higher groups. Instead of catching up, they fall further and further behind.”

“But how do we teach such different kids if we don’t group?” Toni interjected.

“Precisely the problem,” Linda responded. “Because we have classes of 25, we need a way of managing the work for ourselves while still supporting the learning in our classroom. We may talk about individualizing the program for each student, but it’s pretty unrealistic given one teacher, 25 kids, and six or eight different areas of curriculum if we aren’t prepared to change the way we structure what and how we teach. So, the organization forces us to do something that doesn’t work very well, and alternatives aren’t easy to come up with. I personally like the idea of instituting more inquiry learning and inclusive teaching strategies that recognize that students have a role to play in shaping their own learning. That would mean some pretty big changes, and I’m not sure I feel confident about making them without support from the principal, the staff, and the school district.

“Another problem that really concerns me is marks and grades. Of course, we need to give kids and parents feedback about how well they are doing. But I can see every year how discouraged some kids get early on when they only have one or two ways to demonstrate their learning, usually a test or an assignment of some sort, and the feedback they get continually tells them that they just don’t get it. And don’t even get me started on “death by worksheet.” Some of them disengage and stop trying pretty quickly. Another problem with marks is that I have to give a mark or comment in each subject area. But I’d like to integrate them more, so that math was part of our work in science, and writing was part of our work in social studies, and so on. Yet our report card isn’t set up to report on those interdisciplinary experiences, and many parents want

to see a number that reflects how their kid has done in each subject.”

“Those are problems in my class too,” Toni said. “But what do we do about them?”

“I don’t think there are any easy answers,” Linda replied. “We’ve got a system that’s set up to handle big bunches of kids in a standard way, teaching them the same things, when we know very well that each kid is different in many ways. Every few years, someone comes around with the latest cure-all; we have two days of in-service on it, then we’re left alone to try to implement it until the next magic strategy comes along. I think we’ve got to start asking ourselves tough questions about how we teach and organize for teaching and stop expecting someone to give us a magic answer. We have to identify the problems and try out different ways of resolving them.

“You know, Toni, I’m really glad you came in. You’ve given me the impetus to do something. Why don’t you and I try to get a few others together to meet after school one day to talk about some of these problems? There are a couple of people at the university who might want to join us. Maybe all of us can help each other try out some different strategies.”

Teaching and learning are the central purposes of schools. Although this seems an obvious statement, it often appears to be ignored in discussions of educational administration, which may focus on issues of structures, governance systems, finance, or politics instead. The central purpose of this book is to describe the way Canadian schools are organized, but we must always remember

that the purpose of all that organization is to support teaching and learning. All of the historical, legal, political, and economic features described in the previous chapters are presumably intended to create a structure that allows effective teaching and powerful learning.

The central tasks of education involve the development of particular knowledge, skills, behaviour, and attitudes in learners. There is nothing automatic about the way we choose to organize these tasks, even though most current practices are largely taken for granted. At one time, young people learned most of what they needed to know at home through regular contact with parents and other adults. The concept of school did not exist. Current adult education efforts are often organized in much less formal ways than schools.

It is not the authors' purpose to provide any kind of thorough discussion of issues of teaching and learning. Rather, in this chapter the focus is on the ways in which the work of teachers and students is affected by the school's organization and structures, and on what might be called normal school practices, that is, what has been typical of most schools and classrooms (although generalizations of this sort are potentially misleading). Many teachers are aware of problems with current educational practice, and in a significant number of schools and classrooms serious and important efforts to make changes are taking place.

7.2 Consequences of a Standardized Model of Schooling

As schooling became universal for children, mass forms of education were devised. Again, this was a deliberate choice rather than an inevitable outcome. Even the mass schooling of young people could be conducted in quite different ways from our current practices. For example, it could be non-compulsory; it could be spread over more hours of the day, with people attending at different times or even throughout the year; it could involve more independent study, flipped classrooms, or virtual study at home; or it could be spread over more years, allowing for periods of work or other activities in-between. Many schools and many teachers are involved in changes in organizational arrangements that they believe will result in better education.

Once the decision was made to organize schools using a factory model as the main analogue, important consequences for teaching and learning came into play. The central organizational problem for any school is what to do with a large number of children and young people who are required to be in attendance for five or six hours each school day. A typical elementary school, for example, might have 300 to 400 children arriving each day around 9:00 a.m. and staying until 3:30 p.m. (preschool students, who are there only half the day, cause further complications). The school must provide activities for those children during that time, and it must aim to make those activities educational. Schools must organize the students, the teachers, the knowledge that will be regarded as legitimate, and the time around all these people and activities. These requirements may seem self-evident, but, as the next few

pages will show, they have important implications for school organization, teaching, and learning.

A first effect of school organization has to do with physical facilities. Schooling takes place in buildings that are built for that purpose. The buildings are usually separated from other activities in the community, and from places where adults (other than teachers) are found. Schools tend not to have congregating places for adults other than teachers and staff, though more schools are incorporating spaces where parents, knowledge keepers, and community agency staff are welcome. Students go to school in large rooms full of desks, tables, chairs, and school equipment. In many schools, windows have been blocked up to save energy or for safety reasons, which considerably alters the feel of a room. Few schools provide places where students can be alone or work in small groups of their own choosing. Many schools in urban environments do not have any green space for students to enjoy. Yet learners of all ages often prefer these modes of learning when given a choice. What happens in schools, therefore, is immediately constrained by the physical setting.

Because students are legally obliged to attend school, supervision and control are also important issues. The school literally has custody of the children and must therefore ensure their presence and safety. Some of the legal ramifications of this requirement were explored in Chapter 4. The implications of the need to supervise children go far beyond legal issues, however. Organizationally, schools must ensure that students are directly supervised by an adult member of the staff. Typically, the means used to meet this requirement is to divide students into groups, with each group having an adult, usually a teacher, in charge. Thus, two other central characteristics of the school are created: students work in groups, and teachers work individually with groups of students.

Institutionalized schooling also creates the requirement for a timetable, which means that the movements of teachers and students are regulated by the schedule and the clock. Teachers must organize instruction to fit the timetable, regardless of their

own style or their students' needs. Classes must begin and end at a particular time which may or may not fit the educational requirements of the material or meet the needs and preferences of students and teachers. Most teachers and students experience the day as chopped into small pieces, requiring them to change their mindsets every 40 or 80 minutes, or whatever the schedule dictates. High school teachers may see only limited aspects of students because their contact with them is limited to particular subjects or times. Moreover, all subjects may get roughly equal time allocations, even though it seems evident that each might benefit from different scheduling arrangements.

Further important consequences arise from trying to undertake the educational mission of the school in a mass-organization setting. Schools are supposed to teach things to students, and to make efforts to have the students learn those things. The content to be taught and learned is already dictated through provincial curricula, about which more will be said shortly. The school then faces the question of how to organize in a way that ensures that the required content is in fact learned.

7.3 The Relationship Between Teaching and Learning

Fundamental to understanding the nature of teaching is appreciating the uncertain relationship between teaching and learning. Presumably, schools are for learning. The goals and objectives of schools, which we discussed in Chapter 1, have to do with what students will learn, do, think, and feel, and how they will behave. We want and expect students to develop literacy and numeracy skills. We want them to develop an appreciation of ideas, skills in finding knowledge, an interest in the variety of the world, an appreciation for citizenship, and so on. We want them to learn to be tolerant, caring, thoughtful, and sensitive people.

We also know that people learn things in different ways. Learning theory is a complex field and, despite important developments in the last few decades, the science of learning is certainly not definitive. It is clear that learning is related in complex ways to previous knowledge and experience, to motivation, to one's life situation at any given time, to the stimuli for learning, and so on (OECD, 2020). It is also evident that no single approach to learning will work for all students. While there is no such thing as a typical class of students, at any given moment within a group of students one would find some who are interested in a particular subject, and others who are not; some for whom the teacher's style works, and others for whom it does not; some with and some without backgrounds that facilitate the task at hand; some who find the particular presentation of material meaningful and helpful, and others who do not. Some students may be preoccupied with other demands made on them, whether from home or from friends. Some may feel incompetent at the subject being studied. Some may not understand the teacher's communication style very well. Some may find that the material and the examples don't fit the world they

know. In short, people learn different things, in different ways, at different times, and with varying speeds.

Some might see this variety as a problem to be remedied, thinking that if only people were the same, schools could be so much more effective. The argument for a standard curriculum across the country or a province is an example of such reasoning. A more compelling way to think about variety in people, though, is to value it as one of the things that make life interesting and worthwhile. What kind of world would it be if we all thought the same, felt the same, and did the same things? Uniformity would also cost us the sudden insight from a student, the flash of understanding, the humorous remark that brightens a class, the countless unexpected ways in which other people surprise and delight us by being themselves.

The organization of schools does not always reflect our knowledge about learning or about differences among people. The organizational choices that have been made mean that schooling is organized on the basis of groups of students learning the same thing, at the same time, in the same way, and at the same speed. There are standard curricula that are supposed to apply to all students in a given grade or course. Students are divided into classes, their days are divided into subjects or courses, and they are assigned to teachers for these chunks of time, on the presumption that they will learn what the teachers teach them. Essentially, the majority of how learning is organized is determined for students; they are told what to do, and when and how to do it. Though individual teachers may try to make their classrooms relevant to the lives of students, rarely are students' own understandings of themselves as learners, what they can accomplish, or what they might like to learn taken into consideration in the overall structure of schooling.

Many teachers realize that education cannot be effectively standardized, and some schools have made efforts to change the delivery model to de-emphasize these features. However, it is difficult for even the most committed staff to work against the

various requirements that may be imposed by provincial regulations, school board requirements, or the habits of experience.

7.4 Elementary, Middle, and Secondary Schools

The teacher responsible for any given class must be capable of teaching the required subject matter. The usual way of meeting this requirement is to have teachers specialize in some manner, and to organize the students accordingly. Schools deal with this requirement differently in elementary, middle, and secondary schools. It should also be noted, however, that given how schools shift to respond to demographic and educational trends, even though we talk about elementary, middle, and secondary schools, virtually every combination of grades therein exists in how schools are organized. It is also the case that some schools offer multi-age, multi-grade classrooms that span “typical” understandings of grade level, and a few schools organize their work by learning outcomes rather than by grade levels. To that end, teaching and learning are highly complex, and the organization and enactment of curricula can look very different in different contexts.

In elementary schools, a concern for specific content, such as learning to read, tends to be combined with a strong interest in the overall development of each student. The development of academic skills is stressed, but so are behaviour, motivation, and the all-round development of the child. In the first years of education, the school focuses on the students' need to acquire the ability to do later, more specialized, studies. Young children are regarded as being more dependent on adults. Elementary schools also place considerable stress on students' self-concept—the sense students develop about their own skills and abilities. Given this emphasis on basic skills and child development, the most common arrangement is for a single teacher to teach most or all of the material; thus, each teacher usually has the same group of students for most of the school day. Within this basic organizational structure, however, it is much more

common to see more than one adult in an elementary classroom. Given the recognition that early literacy and numeracy are key to successful learning later on, much more emphasis has been placed on providing team supports to ensure elementary learners acquire the basic skills they need. Specialist teachers (e.g., languages, music, and physical education), educational assistants, resource teachers and student services personnel are now quite commonly part of the everyday classroom experience of elementary school students.

Middle schools are commonly arranged as a hybrid of the workings of elementary and secondary schools. This arrangement eases the transition that takes place in the general philosophy between elementary and secondary schooling, and the changes in identity, learning, and physical stature that occur in this ambiguous time of adolescent development. Often, middle schools are organized around the concept of team teaching, so that groups of teachers remain aware of the learning needs of a particular group of middle-school learners. These students therefore have a core group of teachers with whom they can identify as they move through the system. It is also common for specialists such as guidance counsellors, mental health workers, and Indigenous Elders to be working in middle schools as supports for the students who are often working through their own identity development at this stage.

In secondary schools, much more stress is placed on specialized subject matter. The secondary school, like the university, often emphasizes content over concerns about learners as individuals. Teachers tend to specialize in particular content knowledge areas, and students often encounter different teachers in each subject. It is now the student's task to coordinate her or his school program across the various subjects. Work in secondary schools is also influenced powerfully by the organization of teachers into subject-based departments. Science teachers may view issues quite differently from, for example, English teachers, due to their disciplinary positioning and training. Some departments may also have higher status than others, so that the secondary school can

become compartmentalized and elitist. Due to pressures with external examinations or the focus on transitioning from high school to post-secondary or employment, cross- or inter-disciplinary work is rarely conducted.

Elementary, middle, and secondary teachers may have rather different views of what their job is and how best to approach it. Elementary teachers more often describe themselves as teachers of students; middle-school teachers view themselves as guides during a development transition; and secondary teachers see themselves as content specialists. These differences in viewpoint can lead to significant differences in school practices such as grouping, instruction and assessment. For example, Canadian elementary schools tend to use anecdotal reporting and rubrics, while secondary schools are more apt to use letter or number grades. The idea of continuous progress is an elementary-school invention; secondary schools are much more likely to see their program in discrete packages where students pass or fail by course.

Grouping

As has been noted, students vary in their interests, motivation, experience, skills, and background knowledge with respect to what the school seeks to have them learn. If all learning were individualized, such differences might not be problematic. But when instruction is organized around groups of students taught by one teacher, variability can become a fundamental problem, especially since the organization of school curricula implies (in principle at least) that every student should learn essentially the same things. Teachers and schools have always had to grapple with the tension between common goals and diverse people. Guided by the assumption that it is easier to teach students who are similar to one another in skill and interests, schools have usually dealt with this tension by trying to limit the variability in groups of students.

The most common strategies used for this purpose are creating subgroups within classes and putting students into different courses or programs.

Elementary and secondary schools have different practices for reducing variability. The most common form of grouping entire classes in elementary schools is by age, the questionable assumption being that students of similar ages have roughly similar skills and dispositions. Of course, as any parent or elementary-school teacher knows, this assumption is only partly true. Each elementary classroom contains students with a wide range of abilities, interests, motivations, and backgrounds. One common response in elementary schools is to create, within each class, subgroups of students based on their perceived ability, and to differentiate the work to accommodate the presumed capacity of each group. This strategy is called within-class ability grouping or homogenous grouping. The problem with ability grouping is that it does not appear to be a very effective practice, and is especially unhelpful to those students who are least successful (Buttaro & Catsambis, 2019; McDool, 2020). In the last few years, more schools have begun to try alternative ways of organizing elementary-school classrooms that are based on mixed-ability or multi-age groups.

Secondary schools often structure courses based on tracking or, as it is sometimes called, streaming. Rather than group students within a class, entire courses are differentiated by presumed level of difficulty, and students choose or are assigned to courses on the basis of their perceived capacity and willingness to do the work required. Most provinces organize their high-school courses into several streams, such as general, advanced, vocational, or university entrance. Students who are regarded as having less ability, or as being less motivated, are pushed toward tracks and courses considered to be less academically demanding. The result is classes that are less diverse.

Although the diversity within classes may be reduced through tracking, the diversity in the school population is not reduced, and this can lead to biases towards and labelling of courses and

students. The research on tracking in secondary schools also shows that the practice has negative effects on the experience of students who are not placed in the top tracks. Researchers have consistently found that students in tracks called general, basic, or vocational have less actual instructional time, are assigned less challenging tasks, are often segregated by social characteristics rather than actual ability, and lead to long-term negative effects on income levels after school (Borghans et al., 2019; Scharenberg, 2016).

Herein lies the dilemma of grouping practices. It makes great sense in principle to organize students by interest and ability so as to foster appropriate teaching. But when such organization does occur, there is a very strong tendency for the students placed at the lower end of the continuum to receive less stimulating, less challenging, and less effective instruction. As Goodlad put it over three decades ago, “The decision to track is essentially one of giving up on the problem of human variability in learning. It is a retreat rather than a strategy” (1984, p. 297).

All grouping practices require judgments about students so that they can be placed accordingly. Determining students’ characteristics, however, is not nearly as straightforward a matter as it might seem. Most of us probably remember the experience of a teacher whose belief in our ability brought better results than we ourselves might have expected, or a teacher with whom we didn’t get along and who therefore didn’t motivate us to work as hard. Research supports our experience, showing that grouping is not simply a matter of assigning students based on immutable characteristics, but a matter of judgments made by teachers and schools about students. These judgments are, in turn, powerfully affected by teachers’ ideas about students. For many years, girls were widely thought to be less capable than boys in science and mathematics. Students for whom English is an additional language have been considered less able, even though the issue is one of languages, not ability. Teachers have discriminated against students from particular kinds of backgrounds (e.g., racialized students or students from single-parent families) as being more likely to have

academic problems. These preconceptions, however untrue, can have powerful consequences for students (Brown & Tam, 2019; Cui, 2019; Riley & Pedgeon, 2019). Rather than relying on “conventional wisdom,” it becomes more important to initiate discussions and an examination of how particular groups of students learn, and to incorporate these understandings into differentiating instruction to best suit student needs.

Grouping practices are also affected by the structure of the classroom. The requirement for teachers to maintain order affects their attitudes toward individual students. For example, teachers who place more value on sitting still and working quietly may identify more boys as having learning problems because boys have tended to exhibit more rambunctious behaviour, at least partly because they are socialized to be more active. However, as Jones et al. (2013) note, “Creating a learning environment where all students can thrive academically requires an understanding of the complexities of classroom management. The notions of ‘discipline,’ ‘conformity’ and ‘obedience’ ... are no longer sufficient” (p. 4). Moreover, non-promotion in the tracking system may result as much from poor behaviour as from poor academic performance.

Grouping has many other consequences. Because groups carry value rankings—with more academic groups generally seen as more prestigious by teachers, students, and the public—the school must be able to defend the way it has judged and assigned each student. Various kinds of tests and other devices are put in place for this purpose. Counsellors and school administrators may devote a great deal of time to this task. Much of the paraphernalia of testing and grading students has to do with making decisions about grouping. All of this is time and energy diverted from the goal of instruction.

Educators have long been aware of some of these problems, and many attempts have been made to organize schooling somewhat differently. Such changes are not easy to make since they require teachers to organize instruction differently, which is something they may not know how to do should they even wish to. The key point to understand here is that practices of teaching assignment,

grouping, and tracking are not simply spontaneous, but arise out of the basic organizational issues facing schools.

7.5 Curricula

In addition to managing the placement and the time of students and teachers, schools are also responsible for organizing knowledge—for determining what is to be learned and how it is to be taught. The content that is to be taught in each grade or subject is termed the school's curriculum. In addition to the *formal curriculum* of the school—the subjects and courses—there also exists something called the *hidden curriculum*, which has to do with all those things taught by the school (whether consciously or not) that are not part of the formal curriculum.

Formal Curricula

Covering the curriculum has already been mentioned as a central concern of teachers. The development of curricula, exemplified in Table 7.5.1, is primarily organized by the Department or Ministry of Education in each province. Usually groups of teachers and subject-area experts work to write a provincial curriculum document, which is then distributed to schools and teachers. The entire process—involving writing a curriculum, pilot testing it in some schools, and revising it—may take several years. Parents, students, and non-educators are formally involved in some provinces.

Table 7.5.1

Manitoba Education Flowchart on Curriculum Development

Curriculum Development Teams	Review Panels	Field Validation	Authorized Provincial Use	Continual Updating
A departmental project leader/specialist; Qualified writer(s); Exemplary subject area teachers	Educational Partners who are invited by the department to provide feedback to drafts	Balanced representation of field pilot teachers who receive in-service training	Authorized by Ministry	Project leaders/specialists work with educational partners
Gathering and coordinating all relevant research; Receiving and assessing information from educational partners; Developing and writing documents; Revising/evergreening curricula	Offer feedback for document improvement	Undertaken in those instances in which the content focus and instructional and assessment differ significantly from former documents; Testing so that necessary improvements can be made based on input from classroom teachers	Occurs once a curriculum has been field tested and revised as necessary	Identify and develop upgrades distributed to field; Reflect changing demands and ensures relevance

Source. Manitoba Education. (2021). *Curriculum development process*. <https://www.edu.gov.mb.ca/k12/cur/process.html>

Provincial curricula vary in how prescriptive they are. A few curriculum documents are quite specific, outlining topics to be covered, giving examples of activities and assignments, and specifying the kinds of learning outcomes that are sought. In most provinces, however, the documents are more like guidelines. They may still contain a set of topics to be covered and provide ideas about classroom activities, but they leave to teachers matters such as the time and effort to be devoted to each topic and the order in which material is to be taken up.

In addition to provincial curricula, school districts may have their own curriculum development processes in which local teams of teachers develop curriculum units in those areas a district wants to emphasize. Again, these may be more or less prescriptive. In some schools, teams of teachers may make further modifications or develop school-based curricula in a particular area.

Although Canada does not have a Federal Department of Education similar to what exists in other countries, there have been moves on occasion towards regional and even national curriculum development. Groups of provinces in the west and in the Maritimes have formed consortia to develop courses that will be used across each region, and a similar project occurred for sciences at the national level. Although there have long been advocates in Canada of national curricula, these projects begun in the 1990s were the first real effort to move in that direction. However, these projects have had quite modest results, as provinces continue to maintain their autonomy in altering curricula, even those produced through the regional consortia, to suit their own needs and interests. In addition, the availability of curricula on the internet allows for a world-wide availability of material and ideas for teachers to use to support their instruction.

Curriculum Implementation

Curriculum use can be understood as emerging from two aspects of teaching. One is the teacher's thinking both about content and about teaching. Each teacher has ideas about the subject to be taught and the best way to teach it. For example, a teacher may think of literature as being primarily about the analysis of language use and may regard carefully led class discussion of particular works as the best way to develop these skills. Another teacher may see literature as a means of reflecting on our own lives and may want to make considerable use of small groups in teaching. A third teacher

may be teaching subjects about which he or she does not feel highly knowledgeable, and thus may be inclined to use the curriculum guide almost as a textbook. These three hypothetical teachers will approach the same curriculum document in quite different ways, looking for content and ideas that are consistent with their own understandings, both of the subject and of what teaching is about. A teacher may use all three approaches at different times.

A second key aspect is the teacher's need to have a set of activities for each class of students. Ideas are not enough; teachers are expected to facilitate the nature of the learning activities that go on in the classroom. Many teachers evaluate curriculum documents based on the extent to which these documents help them organize class time in ways that foster the learning outcomes they hope to achieve. A curriculum document with interesting concepts but no description of how teachers might use it is unlikely to get very much use in classrooms.

Curricula and the Organization of Knowledge

Whatever curriculum is used, it will have built into it a set of assumptions about what knowledge is and how knowledge is structured. In any textbook, such as this one, some topics are emphasized over others. Connections are made between some ideas and not others. These decisions are not naturally present in the world, but are made by people who prepare curricula, whether these are provincial committees or individual teachers in classrooms (Bascia et al., 2014). History books may focus on the actions of kings and prime ministers but say little about Indigenous peoples or female factory workers. Chemistry courses may talk about the composition of all sorts of compounds, but give few

illustrations as to how these compounds are used or what their consequences are for the environment.

The same problems emerge in the division between subjects. Schools divide the curriculum into chunks—language, mathematics, science, and so on. These divisions are not inherent in the world, however, but are structures people have created as a way of thinking. When we look at a tree, we are seeing biology, botany, chemistry, physics, geography, sociology, history, and economics at work: all are related to this tree being what it is, where it is. Teachers have the privilege of deciding what it is about the tree that they want students to learn. Moreover, in adult life, work does not proceed in the neat divisions that are used by the school to organize its curriculum. For example, scientists are heavily involved in the use of both mathematics and language, and may work in a setting that is highly political. Writers are writing about something, for some purpose.

Choices about how to organize the school's curriculum have to be made; we cannot teach everything. However, it is important to recognize that these are choices that reflect somebody's view of the world rather than being a necessary way of thinking. Some important areas do not appear very often in school curricula—for example, economics or global culture. Education itself, an important subject of study in postsecondary education, is not part of the school curriculum. Important consequences flow from choices about which knowledge is valued in schools, and which is not. Nor are the decisions about which knowledge to value in schools made in an objective manner. The curriculum is a historical product, and thus largely reflects a white, male, middle-class view of what knowledge is valuable. Students who come to school knowing about the things that the school teaches—numbers, letters, geography, and so on—may feel valued and reinforced. Students who come to school knowing about things not valued in school—traditional culture, homelessness, parenting—do not find that same sense of reinforcement.

Hidden Curricula

The term “hidden curriculum” was coined by Jackson (1968), who was among the first to point out that much of what the school teaches and what students learn does not appear in any curriculum guide. For example, schools may emphasize behaviour such as punctuality, obedience, truthfulness, independence, or competitiveness. In the eyes of many, these characteristics are more important than learning to solve quadratic equations or identify elements in the periodic table. Much of what happens in schools has to do with the influencing of behaviour, rather than with the learning of prescribed content or skills. Indeed, students often get into much more serious trouble for violating the rules of the schools (e.g., fighting or being disrespectful to teachers) than they do for failing to learn whatever is in the academic program.

Another dimension of the hidden curriculum relates to the values implied by the formal curriculum. If textbooks are full of pictures of males in active roles and females in passive roles, students are more likely to absorb, however unintentionally, this view of how the world ought to be. If history courses do not talk about the ways in which government policy decimated traditional Indigenous cultures, or about biased policies against certain immigrant groups, or about the exclusion of women from many important spheres of life, then students do not come to understand the very different experiences some people may have of our country. If science and technology are presented as the best ways to solve social problems, students may not be able to make reasoned judgements about the appropriate role of other ways of viewing these areas in our lives.

Reviews of Canadian textbooks and curricula have shown how many biases and opinions were built into the curricula while being displayed as if they were the truth. In the last few years, considerable effort has been made to eliminate many of these representations. It is more than likely, though, that 20 or 30 years from now, as social values change, others will be looking at our

current books and curricula and finding other kinds of bias. Indeed, the view taken in this book is that there cannot and should not be a single version of knowledge presented as if it were true for all time. As our views of the world change, our ways of explaining the world also change, and so must school curricula.

7.6 Schooling from the Teacher's Point of View

For teachers, being in a classroom with students is a highly demanding activity. At any given moment, teachers are trying to do multiple things at once. One concern, of course, has to do with whatever is being taught at the moment—subtracting with fractions, the geography of the Maritimes, playing the fiddle, or any one of the myriad things that are part of the school curriculum. Are students understanding what is being said? Do they see the connections between one point and another? Is the material of interest to them?

These immediate curricular concerns are set in the context of long-term goals. Are students learning to learn on their own? Are students developing an appreciation of the particular subject? Are students being challenged to think for themselves? Are they learning respect for the views of others, good work habits, and persistence? Most people, including parents and most teachers, believe that these larger goals are more important than the discrete pieces of information in the curriculum, even though it is the latter that receive most of the direct attention in schools.

Teachers also need to be highly attentive to the classroom as a social setting. A prime concern of all teachers—especially new ones—is the ability to keep order in the class. If students are not focused on the task at hand, they will not be learning what the school wants them to learn (although they may well be learning something else). Teachers have to balance their concern for an intellectually stimulating classroom with the requirement that they maintain a certain level of order. In a 2013 Canadian Teachers' Federation, student behaviour was noted to be a major cause of workload stress for teachers.

An awareness of the differences among students is also a constant preoccupation of teachers. Teachers quickly develop a sense of

which students require different types of attention. At any given time, teachers are monitoring different individuals and groups in the classroom in an effort to assess how learning is being facilitated. Do some students have puzzled looks? Perhaps they need more explanation. Are some students gazing at nothing? Perhaps they need a reminder to help them refocus their attention. Are some students busily engaged in talking to each other or passing notes? Some action may be needed to keep the class on task.

Teachers are also aware of the need to be accountable for what they are doing. If students tell their parents about this class, what will parents think? What if the principal drops in? Am I undermining my colleagues by doing something that is different from what they do in their classes?

The teacher is engaged in a constant act of improvisation (Philip, 2019). While teachers begin a class with a plan of some kind (it may be carefully written out or simply carried in one's head), those with experience know that classes rarely go according to plan. As a class, or lesson proceeds, a teacher is constantly monitoring what is happening and making adjustments to meet changing circumstances.

The requirement to do several things at the same time, and to adjust things as one proceeds, makes teaching very demanding. The teacher's attention is usually fully engaged all the time. While teaching, the teacher is also carrying on a silent internal dialogue. Students see only the external actions of the teacher, but much of the work of teaching occurs in the teacher's thoughts, like the 90 percent of the iceberg that is below the surface of the water: "That group doesn't seem to be following me; I'd better go over this again.... Allan and Nadja are busy doing something else; if I just move over in their direction I may get their attention back.... I need a better example to illustrate this point.... Only 10 more minutes left; I'd better wrap this up.... Have they had enough time to do the problems, or do I need to assign them for homework? ... They're all so excited about the assembly this afternoon that they really aren't concentrating...."

Endemic Tensions in Teaching

Teaching also has several endemic tensions or dilemmas. These are problems that teachers face constantly. They are also problems that cannot be settled once and for all, but have to be addressed continuously through various sorts of adjustments and strategies.

First, as we have already noted, teachers are faced with the tension between what might make most sense educationally and what is required to keep order. In studying natural science, for example, a teacher may want to send students outside to look at plants or insects. However, this usually cannot be done on the spur of the moment; normally, days or weeks of advance notice are necessary for this sort of activity. Moreover, there are problems of supervision once students are no longer all under the teacher's watchful eye. How much simpler to watch a video about plants, or even bring one into the classroom. Then again, land-based education is an important means of teaching students about the environment and ecosystem relationships...the time and energy is often worth the hassle for learning and student engagement.

Consider another example. A very common teaching technique is to ask students questions about the subject matter to see how much they've remembered. Researchers who have investigated questioning in the classroom have found that when teachers ask questions, they allow only a very short time for students to think about answers. Typically, if nobody answers or puts up a hand almost immediately, the teacher will begin speaking again, either to give an answer or to ask another question. The time between asking a question and speaking again is called *wait or response time*. Researchers have also found, not surprisingly, that giving students more time to think before they answer results in better answers. Many teachers, however, are reluctant to have very much silence in the classroom because they fear that silence will lead to disorder. They fear that when the teacher gives up some control over the learning process, students may become inattentive or disruptive.

Thus, the requirement for order may interfere with what makes most sense educationally.

A second perennial tension in teaching is that between the individual and the group. It is individuals who learn, of course, but teachers are almost always responsible for groups of students. Teachers constantly face the problem of how to allocate their limited time and attention to the needs of all students in the classroom. Is it better to spend the most time with the students who are having the most difficulty, or should one concentrate on enriching the learning of those who accomplished the learning objectives in short order? Or is the best strategy to direct one's teaching to the middle, doing the best one can with those at the extremes? Can teachers actually do all three? And if so, how? There are no easy answers to these questions of differentiating instruction, even though they are faced by teachers every day.

A third tension is between adequate coverage of the curriculum and following up on students' interests. We have already discussed some curriculum issues, but it should also be noted that most curricula are designed to use all the available time during the year, and many have supplementary topics that can be taken up if additional time is available. Teachers almost always feel pressure to move ahead with the content, to make sure that all the important topics have been covered. Provincial testing creates more pressure in this direction. At the same time, opportunities constantly arise in the classroom for inquiry learning opportunities. A group of students have an interest in pursuing one element of the curriculum in some depth. A topic that was supposed to be dealt with in one hour piques the class's interest and stretches into a week of curiosity and discussion. Does the teacher cut this short, thereby losing the opportunity to do something that interests students and is relevant to the subject? Or does one try to scrimp somewhere else in the curriculum?

Finally, there is an important tension in schools between learning and assessment. An important goal of schools is for students to stretch their abilities. This means taking risks and making mistakes.

At one level, it is commonly accepted that we can learn a great deal from our errors. But marks and grades are a critical part of students' school life, and making mistakes is generally not rewarded even if it may spark better understanding than what occurs for a student who completes the learning objective without making a mistake, but learns less about the depth of the content, or about him/herself as a learner.

Teachers recognize these dilemmas. What do we do about the student who works and improves considerably, but still only gets a C? How do we encourage students to be concerned with judging their own learning if, in the end, the teacher's assessment is what determines their fate in school (and possibly out of it, as well)? A further discussion of assessment occurs later in this chapter.

7.7 Schooling from the Student's Point of View

Students and teachers tend to experience school life quite differently. While teachers are trying to work out what to do next, students may be trying to figure out what the teacher wants, or simply trying to make the time pass. While teachers are excited about the subject matter, students are worrying about getting marks and knowing the right answers. Most significantly, students usually have little or no say about the nature of their schooling. It is often something that is done to them, rather than something they do. While teachers value highly their ability to make choices about how to structure their teaching, students rarely have such choices about how to structure their learning.

Although the experiences of students can vary considerably depending on their teacher and their school, a consistent body of research shows that student learning is improved when students are highly engaged in their own education (Young et al., 2019). In fact, many schools across Canada now implement the *OurSCHOOL* survey created by *The Learning Bar* that can be completed by students, parents, and teachers. The survey is designed to gauge school climate factors that impact student achievement, engagement, health and well-being, and attainment (<https://thelearningbar.com/ourschool-survey/>). It provides a forum for students to anonymously express their opinions about their school experiences that then allow teachers, principals, and system leaders to respond to student well-being and learning needs.

As noted earlier, the school curriculum comes divided into courses and units that are administered to students by teachers. The assumption is that students learn slowly, hierarchically, and one thing at a time. From students' point of view, these packages may have not the slightest connection to their experiences or with

their way of seeing the world. Nor does the school delivery model correspond to current thinking about how learning occurs.

Despite many years of effort to move toward so-called higher-level skills, the research suggests that classrooms are still heavily concentrated on getting students to produce the right answers rather than to think about important questions. Indeed, so pervasive is the emphasis on learning content that students come to expect it, and may be quite resistant to a teacher who tries to create open-ended debate without specifying correct answers.

Students' experience of schooling also depends on their backgrounds and on how the school has categorized them. Students in tracks regarded as lower ability may find that less is expected of them, that more attention is given to their behaviour than to their learning, and that their efforts to improve themselves are actively resisted. Students whose language and culture are not that of the majority may also find that they are marginalized within the schools.

Gender plays a particularly important role in shaping school experience. In most classrooms, boys speak more, are asked more questions, receive more attention from teachers, interrupt girls, and generally dominate classroom discourse (Patall et al., 2018; Richardson, 2015). Boys may be encouraged to experiment with ideas and behaviour, while girls are dissuaded (albeit subtly) from doing so. And there is still a general perception that girls academically outperform boys in the majority of subjects. However, one must guard against applying these general differences to *all* girls and *all* boys, and recognize that gender and sex are fluid characteristics. Gender intersects with a number of variables, such as race, sexual identity, and disability, to shape the educational experience of students quite differently, depending on context. It is therefore necessary that educators pay attention to the different ways gender shapes learning, but also to be wary of essentializing the educational experience for students.

Over the past few years, the high-school completion rates and university entrance rates of girls has increased considerably. However, on a more global level, more girls than boys still do not

have access to education. As well, although increasing, women's earnings and their participation rates in non-traditional employment still lag behind that of men (Statistics Canada, 2018).

7.8 Classroom Control, Teacher Authority, and the Effort Bargain

Although teachers have formal authority in the classroom, the atmosphere of any class is also powerfully shaped by students. As teachers well know, a group of students who want to make a teacher's life difficult can certainly do so, and the teacher may have very little recourse. The treatment of substitute teachers by some classes of students is a case in point. Indeed, one might wonder how it is that teachers are able to command students' attention at all. Why is it that students so often do agree to do what teachers tell them?

There are several sources of teacher authority. In Chapter 6, three ways of thinking about the authority of school administrators were described. These same categories—traditional, legal, and charismatic—can be applied to teachers and students. At a basic level, teachers have coercive legal power over students. They can influence students through detentions, complaints to parents, and through formal disciplinary action such as suspensions. However, coercion is not a desirable way to manage a classroom because it is antithetical to the development of the kind of relationship between teacher and students that is conducive to learning. Effective teaching and learning require mutual trust and open communication. One can help people learn, motivate people to learn, and support people in the learning process, but one cannot *make* people learn. To be effective, teachers' authority must be consented to by students because it is the students who must do the learning. One of the key factors, however, is that much of that student consent is granted only if students perceive that teacher authority is exercised fairly and/or it also serves some of their

own purposes (receiving better grades to acquire scholarships, etc.). Much of it is a complex and largely unacknowledged negotiation process between students and teachers, dependent on their values, interests, and factors influencing their lived experiences.

7.9 Assessment, Grading, and Testing

Students' experience in school is substantially shaped by the fact that they are assessed and graded. Again, the primacy of assessment is the result of deliberate choices about how to organize schooling. A school system that uses a whole series of grades in elementary school, and a wide range of separate courses in secondary school, ensures that each student will face a large number of individual and/or group assessments during their schooling.

The requirement that students be assessed has a whole series of consequences for teaching and learning. It can sometimes result in grades becoming more important than the knowledge they are supposed to represent. This becomes apparent when students want to know whether something will “count” before deciding how much effort to put into it. Rather than representing a measure of progress toward the goal of learning, grades instead become the goal. Grades may also change the nature of the student–teacher relationship. Since the assessments may have important consequences for students' futures, a tension necessarily arises between teacher (assessor) and student (assessed). And rankings can then potentially create conflicts among students.

As mentioned above, school grades have important consequences for students' futures. They may determine whether a student enters an enrichment program or qualifies for a particular university or college program. The problems with grades have been recognized for many years. In principle, it ought to be possible to provide a thoughtful and thorough analysis of students' skills and weaknesses without using any comparative measure, whether it be letters or numbers. Yet the desire for quantitative measures of achievement remains, even as there is acknowledgement that we tend to not

agree on what or how learning is being measured, or on what “success” for students actually means.

Important changes have been made, particularly in elementary schools, in terms of assessing students’ progress (Clarke et al., 2006). However, the school still plays an important role as a sorting organization, helping to determine who will have what economic and social status. Grades play a critical role in that they are used by colleges and universities to determine admissions and by employers to determine hiring. Assessment thus remains an important element of every student’s experience in school.

Assessment also presents teachers with the dilemma of deciding how to determine grades or standing. Does one reward knowledge, effort, good behaviour, or some combination thereof? If teachers are called to differentiate their instruction for different kinds of learners, how do they also differentiate their assessment?

A further example of the impact of school evaluation practices concerns the issue of retention in grade versus social promotion. It used to be routine for students who were having difficulty in school to be failed and required to repeat an entire year’s work over again. In fact, the research shows that students who are retained in grade do not improve their academic performance, and the social costs of the loss of development with age-appropriate peers tends to outweigh the limited academic success of retention (Jimerson et al., 2006). These findings have prompted school systems to develop policies, supported by research, that make it difficult to retain or fail students without significant just cause.

The debate over retention in grade, which has gone on for more than 20 years, is a good example of the impact of school organization on teaching and learning. One might say that the existence of grades by age is an arbitrary device in the first place, since the skills and interests of children of the same age can vary greatly. In fact, neither grade retention nor social promotion is a successful strategy for improving educational success; rather, the focus must be on the use of effective intervention strategies,

programs and policies that facilitate student growth socially, emotionally, mentally, and physically.

Issues around the assessment of students have been intensified in recent years by the growing emphasis on external testing of students. Provinces have increased substantially the amount of provincial testing, and the results are being used more publicly to evaluate the overall quality of the school system. Canada also participates in a number of international testing programs that compare students' achievement in many countries. Such assessments as the Trends in International Mathematics and Science Study (TIMSS), the International Adult Literacy and Skills Survey (IALSS), the Programme for International Student Assessment (PISA), and others have been growing, with more countries and more students participating. The results of such large-scale testing are often reported extensively by the mass media, although international comparisons are fraught with problems (Martino & Rezai-Rashti, 2013).

Many educators feel that the focus on external tests is a bad practice for at least two reasons. First, such tests may fail to measure many of the important goals and processes of schooling (Yakulic & Noonan, 2000). It is accepted, for example, that measuring skills in areas such as problem solving through paper-and-pencil tests is very difficult. Efforts have been made to design large-scale tests that do a better job in this regard, but what is called *authentic assessment*—that is, assessment that is closely matched to the actual skills that are the goals of teaching—is turning out to be both difficult and very expensive.

Second, external tests are seen as driving instruction to an undesirable extent, so that teachers focus on preparing students for tests rather than on other aspects of instruction that may be more important. Some evidence suggests that providing students with careful feedback on their work even without any mark attached has more powerful positive effects on learning than external tests (Littky & Grabelle, 2004). Insofar as tests do focus only on a limited range of skills and knowledge, the problem of diverting instruction

is increased. Recent moves in the United States to extend testing to more subjects and grades, with passing a requirement for graduating, have been accompanied by increasing numbers of dropouts and many more allegations of cheating.

Proponents of testing and then publishing results, on the other hand, argue that parents and the public need better information about what students are learning and how well schools are doing in developing skills and knowledge. Some proponents explicitly support such public accountability as a way of putting pressure on educators to do a better job, on the assumption that external review is a powerful motivator—just as, one might note, schools assume that external evaluation motivates students to work harder. They also are justified as being another tool to consider as schools are accountable for data-based decision making.

In fact, large-scale external testing of students shows every sign of continuing and quite possibly expanding in coming years, and so will continue to be an area of controversy.

7.10 The Development of Special Education

The subject of special education illustrates the interplay of educational considerations with organizational issues in schools, and is a field full of debate and controversy. The extensive development of special education in Canadian public schools goes back about 50 years. Although the intention of facilitating learning opportunities for students with exceptionalities was laudable, in reality, the initial framing of special education in the school system initially stemmed from deficit thinking and negative assumptions (Cochrane-Smith & Dudley-Marling, 2012). In 1967, a report entitled *One Million Children* was published by the Canadian Enquiry into Learning Disabilities in Children (CELDIC). The report pointed out that large numbers of students were not being served appropriately by schools because insufficient efforts were being made to meet their particular needs. The CELDIC report was itself the result of organization and lobbying efforts by parents and others interested in these children. After the report's release, these groups used it to pressure schools and provincial governments to take action on its recommendations.

Over the next 10 years or so, departments and ministries of education in Canada's provinces developed policies on various aspects of special education. From the outset, the development of special education has been shaped by two simultaneous but contradictory elements. On the one hand, much of special education has been heavily influenced by the concept of *normalization* (Wolfensberger, 1972), which argues that services to people with disabilities should be as similar as possible to those provided to the rest of the population. The move to normalization was not confined to schools, but developed broadly in the social services, primarily those that served persons with cognitive and

physical disabilities. The concept of normalization implies that people with disabilities should receive specific support services to allow them to function as “normally” as possible, instead of being segregated in separate programs or facilities. In this way, thinking was still based on the idea that children with exceptionalities were somehow “less than normal”. On the other hand, a large part of special education involved identifying students as having particular “problems” and then programming to meet their needs, thereby setting them apart from other students. Here the dilemma of grouping, discussed earlier in this chapter, is drawn even more sharply.

Normalization played an important role in the development of special education, initiating policies such as the integration of many disabled students into regular classrooms. Previously, students who were blind, deaf, or physically disabled had been taught primarily in separate schools and classes, and many children with cognitive disabilities were not in school at all. In the 1970s, however, many such students were returned to neighbourhood schools where it was expected that adaptations would be made for their particular needs. This was not, unfortunately, accompanied by effective teacher training such that teachers could actually meet these expectations.

Another set of special-education practices created an entire industry of labelling practices and testing regimes in order to try to support the direction of resources for children with exceptionalities. Concepts such as “learning disability,” “hyperactivity,” “emotionally disturbed,” and other supposed diagnoses of student “problems” were developed in the 1970s, along with a whole series of testing devices that were used to assess students who fell under these categories. In many provinces, definitions of special education were broadened to include such services as English as an Additional Language (EAL) and other learning limitations related to students’ social background that were embedded with white middle class assumptions that led to the

creation of special education classrooms full of children who were not actually in need of special education services.

A delivery and support apparatus emerged alongside special education. New programs and classes were created for special-needs students. New categories of teachers, such as resource teachers and behavioural class teachers, were also created, with different certification requirements in some provinces. Extensive professional development programs were offered to teachers. Universities established special-education programs and departments, journals began to publish, and research programs developed. Provinces created special education branches and provided targeted funding to support special education programs and staff. Today, running throughout the school system is a large apparatus dedicated to the area of special education.

7.11 Mainstreaming and Inclusion

The paradox of separation and normalization is also evident in the debate that occurred over *mainstreaming* in schools in the 1980's and 1990's (Wilgosh, 1992). The concept of mainstreaming originally grew out of the normalization movement; many parents and educators advocated placing students in regular classrooms in neighbourhood schools. The adoption of mainstreaming as a policy meant that many students who in the past would have been in segregated classes were moved into regular classrooms. These students included those with severe cognitive disabilities and those who were medically fragile.

In the last few years, the term, *inclusion*, has replaced the concept of mainstreaming. Inclusion (or inclusive schools) has a similar focus on trying to provide for all students in regular classroom settings, but whereas mainstreaming referred primarily to students with disabilities, inclusion is used to refer to all students, regardless of difference, and reflective of ethnicity, language, social class, sexual identity, etc. Box 7.11.1 provides the understanding of inclusive education articulated by Manitoba Education. Mainstreaming was primarily about the physical location of students with disabilities, whereas inclusion refers also to attitudes, practices, and the creation of inclusive environments that attempt to meet the needs of all students.

Box 7.11.1

Manitoba Education's Philosophy of Inclusion

Philosophy of Inclusion

The Public Schools Acts supports Manitoba's philosophy of inclusion, which states:

Inclusion is a way of thinking and acting that allows every individual to feel accepted, valued, and safe. An inclusive community consciously evolves to meet the changing needs of its members. Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.

In Manitoba, we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all of us.

What is Manitoba's philosophy of Inclusion?

- Inclusion is a way of thinking and acting that allows every individual to feel accepted, valued, and safe. An inclusive community consciously evolves to meet the changing needs of its members.
- Through recognition and support, an inclusive community provides meaningful involvement and equal access to the benefits of citizenship.
- In Manitoba, we embrace inclusion as a means of enhancing the well-being of every member of the community. By working together, we strengthen our capacity to provide the foundation for a richer future for all of us.
- The philosophy of inclusion goes beyond the idea of

physical location and incorporates basic values and a belief system that promotes the participation, belonging and interaction.

What does inclusion mean to a student with special learning needs?

- Students with special needs should experience school as much as possible like their peers without special needs.
- To make inclusion applicable in Manitoba schools, educators will:
 - Foster school and classroom communities where all students, including those with diverse needs and abilities, have a sense of personal belonging and achievement.
 - Engage in practices that allow students with a wide range of learning needs to be taught together effectively.
 - Enhance students' abilities to deal with diversity

Source. Manitoba Education Philosophy of Inclusion.
<http://www.edu.gov.mb.ca/k12/specedu/aep/inclusion.html>

Though many schools and teachers welcome inclusion, feeling that it benefits students, others worry about their ability to provide good education for students and about the additional demands that are placed on classroom teachers. Individual cases involving this issue have been quite heated, making national news. Section 15 of the *Charter of Rights and Freedoms* has been invoked by parents and other advocates for students with disabilities, and a number of court

cases in Canada, some of which were described in Chapter 4, have dealt with the extent to which schools can require students with disabilities to attend special classes, and/or provide appropriate educational services.

Inclusion is by now quite well established in Canadian schools, with the vast majority of children attending either their local school or another school of their choice (a small number of students remain in separate classes or separate schools). A positive attitude toward inclusion is evident as teacher candidates are better prepared in universities to provide differentiated instruction. However, many teachers are still not prepared adequately at the undergraduate level of their education to deal with some of the students with exceptionalities with whom they will work—for example, those who are medically fragile or who have severe cognitive challenges. More recently, teachers have noted the increasing number of students with serious emotional or behavioural challenges, especially in elementary schools, that are often related to mental health concerns that need trained psychological support.

These debates illustrate the tensions between educational ideals and organizational practices. In principle, it ought to be possible to develop an individual program for each student and thus accommodate a very wide range of students in a classroom, but this is not so easy to achieve in practice. The problems associated with maintaining classroom order, covering the curriculum, and grading all students make individualization a very challenging enterprise. In addition, the school system tends to be organized around groups, not around individual students. Children with exceptionalities are often supported with educational assistants (EA) who are not trained educators. Without careful consideration of the training and the role of the EA, there exists the potential that children with exceptionalities will have more interaction with the EA than with the teacher or other children. What becomes an “appropriate education for all” may become something that, if Canada follows the American example, is decided on a case-by-case basis in the courts.

7.12 Conclusion

As should be evident by now, teaching is a very difficult undertaking. There are many factors at work, some conducive to learning, others not. Teachers will inevitably encounter difficulties and dilemmas that they do not know how to handle. Although experienced teachers develop strategies for dealing with certain types of problems, even the most skilled teachers frequently encounter new situations that require them to rethink what they should do. The issues raised in this chapter, including grouping, motivation, classroom control, evaluation, and special education, are among the most important of these.

The challenge confronting every teacher is to remain open to new possibilities and to improve one's skills constantly. It may sometimes be frustrating to realize that there is no recipe for teaching, and that the teacher, working with others who have related expertise, has to figure out anew, over and over again, what to do in a given situation. On the other hand, as we said earlier in the chapter with reference to differences among students, variety is also a powerful stimulus and source of interest in our lives and our work. As we shall see in the next chapter, many schools are making important efforts to change teaching and learning. Despite the difficulties, few teachers would want to trade their jobs for ones that are utterly predictable and therefore monotonous. As teachers, we have the requirement—and the opportunity also—to be learners all the time, discovering more about students, curricula, and education as we go. That is no small gift.

Exercises

1. Working first individually and then in groups, develop a description of the way in which you learn best (e.g., episodically vs. in intensive stretches; one subject at a time vs. several things at once, visually, kinesthetically, and so on). Compare your own style with that of others in your class. Are they similar? To what extent did your schooling accommodate these characteristics? To what extent does the university do so? How might institutions do a better job of adapting to individuals' learning styles?
2. Conduct an examination of a school as a physical setting. How would you describe it? Is it comfortable? Friendly? Cold? Is the scale appropriate for young people? What kinds of signs, posters, or displays are there? What spaces do students use, and under what conditions? What spaces do teachers use, and under what conditions?
3. Study the organization of classroom groups in a class in the school where you are observing or student teaching. Do all groups do the same things? What differences can you observe in the kinds of activities given to different groups? What effect might differences in group activity have on students? You may want to ask some students how they understand the grouping process.
4. Hold a classroom debate on tracking in secondary schools: "Be it resolved that all high-school students should have the same basic program of studies."

5. Study the assessment practices in the school where you are assigned. What evaluative information is communicated to students? To parents? How often? How do teachers arrive at their judgments about students?
6. Find a current curriculum guide for your province for a subject you are likely to teach. Which topics are given the most attention? Given the least attention? Missing entirely? How do you account for the guide's balance of topics? What assumptions about the subject, about teaching and learning, or about knowledge are evident? Are there any assumptions with which you disagree? Why?
7. Write a brief paper on the hidden curriculum as it operates in a particular classroom. What messages other than those in the formal curriculum are being given to students? How?
8. Interview a teacher about the process of teaching. What is the teacher thinking about while teaching? How aware is the teacher of the decisions he or she is making, and the reasons for them?
9. Interview a few students in any grade. Ask them what aspects of school they find interesting, and why. Which subjects or activities do they like the least, and why? What implications can you draw from their comments about teaching and learning?
10. What is the policy of the school to which you are assigned on failure or retention in grade? How many students take more than the required number of years to complete their school program?
11. Interview some teachers and students in regard to testing practices in their school and province. What

impact do school tests and provincial exams have on the way teachers teach or on the way students approach learning?

CHAPTER EIGHT: PARENTS AND FAMILIES, COMMUNITIES AND SCHOOLS

8.1 Prologue

Jan and Gordon left the staff meeting together and walked down the corridor to the general office. Picking up a cup of stale coffee, they went into Jan's crowded office, cleared off a couple of chairs, and sat down. At the staff meeting, Gordon, the principal of Fernwood Elementary School, had presented the board's budget projections for the next year; they were going to require some cutbacks in staff positions. On top of these general cutbacks, the board had informed him that the funding for Jan's position of community liaison worker would no longer be provided separately by the board, but instead would have to come out of the school's general staffing budget.

Gordon had told everyone at the meeting that he would be initiating a series of discussions over the next few days with all of the staff before any decisions were made about the plans for next year. However, from the discussions that followed his announcement there emerged many different opinions among the group over staffing priorities. Furthermore, while Jan was a well-respected staff member at the school, it was clear that her position was, once again, in jeopardy. While Rina and Wayne, the early childhood teachers, had stated that they simply couldn't run their program without her, other teachers had made their own claims for support positions, including instructional assistants for their classes, guidance teachers, and librarians.

"Well," said Gordon, "this is going to be a tough few

weeks. So, what else is new! One of these years maybe we'll get a budget that actually lets us do our job. You know, it's ironic, we have built a program of parent and community involvement here that really works, and yet every year we've had to fight to keep the funding for your position. And without you, or at least without your position, it would be really difficult to do half of what we're doing now. Even our own teachers, who know how important you are, still seem to see what you do as different from the heart of our job as educators. It says something about what we think schools are, and how children learn."

"Yeah, we really do need the position," replied Jan now. "You know, there are days when I really don't think that I've achieved anything, but when you look back over what we've been able to put in place over the last five years, we do have something to be proud of here. The early childhood centre, the volunteer program, the preschool and before-and-after-school day cares, the job training programs, the parents' association, and all the other stuff. I think we really have built strong connections with our communities. You know we had over 100 parent volunteers in our school last year—that's nearly a quarter of all students' families. And it makes a big difference: the teachers appreciate the help, and they notice the positive effects it has on the kids when they see mums and dads working together with the teachers. But if individual teachers have to do all the recruiting, organizing, and coordinating on their own, it won't work as well; they just don't have the time to do it all, especially when there are problems to be resolved. And if the parents don't feel that they are both welcomed and put to good use, they're not going to keep volunteering. By the way, I need your signature on the funding application to the

Phillips Foundation for our summer school program. That's looking quite promising."

At that moment, Rina and Wayne knocked on the open door and walked into the office. "Ok," Rina said abruptly, "we've got to get organized here. We can't lose Jan, period. Our early childhood centre is absolutely essential to everything else that happens in this school, and we need Jan's help to make it work."

The centre, a large multipurpose room in the school, was funded by a special grant from the province and specialized in providing learning activities for children from birth to age 8. Its two full-time staff were also responsible for maintaining a drop-in centre for parents with infants, organizing play groups for preschool children and their parents, and co-ordinating the "book mates" home-reading program at the school. They also organized parent workshops and worked collaboratively with the primary-grade teachers to provide supplementary learning activities.

"And," Rina continued, "if the Grades 5 and 6 teachers don't see how vital these activities are, then we've got some consciousness-raising to do in the next little while."

Gordon got up to leave. "OK, look, we'll get back to this and keep talking. You know where I stand on the importance of parent and community involvement. You know, I think we really need to rethink the way in which most teachers and parents view each other. It's so out of touch with the needs of schooling today. Perhaps it all has to begin with the faculties of education and the ways we train and socialize our new teachers."

It is largely taken for granted that families and schools are both primary institutions involved in the socialization and education of society's youth; it is also well documented that home influences have a substantial impact on school success. But in spite of this intertwining of objectives, and the interactive effects of each institution on the other, the relationships between parents and teachers are most often characterized by distance and suspicion rather than close collaboration. In this chapter the terms 'parent' and 'parent/caregiver' used interchangeably as an umbrella term that needs to include those people who constitute the primary caregivers for children in schools which may often include grandparents, guardians, and sometimes elder siblings. This appreciation is central to the discussion of effective home-school relationships. Beginning teachers at all grade levels have ranked relations with parents/caregivers as one of the most difficult aspects of their work, along with classroom management, student motivation, and responding to individual differences.

For many years now in Canada, and internationally, there have been calls for a much greater degree of school-initiated co-operation and collaboration between parents and teachers. A growing body of research is being cited to support the assumption that teachers and parents are "co-producers" of student learning – that they share common objectives for children that are best achieved when they can work together. The first part of this chapter examines those issues with respect to the following questions:

1. How do families affect school experiences and school success?
2. How do families and schools normally interact?
3. What models exist for restructuring parent-teacher relationships, and what claims are made to support them?

While parent/family and teacher linkages are important aspects of school life, and critical to the role of the teacher, there is a broader

context to be considered. Families do not exist in isolation; they live with other families in groups that might loosely be referred to as communities. Several authors (e.g., Coleman, 1988, Kretzmann & McKnight, 1993; Robson, 2013) have drawn attention to the significance of an understanding of community expectations and community “social capital” to the production of effective schools. Accordingly, in the second part of this chapter, we examine the relationship between schools and families in their capacity as communities.

8.2 Families and Schools

We have suggested throughout this book that schools, classrooms and teachers are inextricably linked to the wider social settings within which they are embedded, and that the influences of these external realities invade the classroom in both obvious and subtle ways. The relationship between families and schools represents a critical element of that linkage, only a small part of which constitutes the formal and concrete interactions between parents and teachers.

Regardless of whether teachers commute considerable distances to school, arriving just before the start of the school day and leaving immediately after it is finished, or whether parents ever physically set foot in their children's school, teachers and parents meet vicariously every day in the lives of students. The consequences of these invisible meetings have been shown to have profound influences on the type and range of experiences provided to students in school, and ultimately to contribute to their success in school. Peter Coleman, in an important Canadian book entitled *Parent, Student and Teacher Collaboration: The Power of Three* summarized well this pervasive but often invisible presence noting:

Within the classroom setting *there are in fact three actors ever present*—the teacher, the student and the parent(s), who are “present” in the sense that the beliefs, attitudes, and habits of mind of the family are thoroughly embedded in the mind of the child. The interactions amongst these three actors largely determine the student's willingness and readiness to learn; predict student satisfaction and commitment to school and schooling; and hence largely shape both the attitudes towards school and learning, and the level of achievement of the child....

Furthermore, these interactions *are all alterable*, largely but not exclusively through the initiatives of teachers. In

general, educators hold decisive power in interactions with parents and students. Thus, anyone who wishes to understand how and why children learn more or less in school needs to understand the range of possibilities within ... [these] interactions. (Coleman, 1988, pp. 1-2)

Parents do many things that influence their children's experiences of schooling: they feed and clothe them and deliver them to school (or to the school bus); they teach them many things before they enter school, and continue teaching them over the course of their school life. Parents also provide their children with educational resources, toys, books, computers, workspace and educational experiences that complement school experiences. They monitor and support students' work in school by reinforcing the importance of school success, by taking an interest in their children's work, and by helping them understand the relationship between effort and outcomes. Parents also advocate on their children's behalf in their dealings with the school, asking for help, requesting particular placements and teachers, or even transferring their child from one school to another.

But "families" and "parents" cannot be treated as a monolithic mass with a common set of characteristics. In fact, the *only* characteristic they share is that they are responsible for children. Families vary markedly in terms of material circumstances, structure, and culture. However, *family circumstances do not define "good families" and "bad families."* Nor do they make children more or less intelligent or more or less educable. Nevertheless, they have been consistently shown to have powerful effects on students' treatment and experiences in school and on school outcomes.

A great deal has been written on how families affect educational outcomes. Much of this literature has attempted to link school success with particular family characteristics, and to explain school failure in terms of families that lack these desired qualities. This approach of defining students, and their families, by their perceived weaknesses rather than their strengths has become known as a

deficit perspective (Gorski, 2008) or more broadly as *deficit theory*. It is prevalent and it is inadequate because, among other things, it leaves unquestioned the organization of schools, their curriculum and teaching practices; and it is particularly dangerous because it offers teachers a stereotype of students that encourages them to expect success from certain children and failure from others based on factors that have nothing to do with the abilities of the child. In other words, it can result in ‘blaming the victim’ and lowering expectations for what children can do.

A more useful strand of the literature on school success emphasizes the *relationship* between families and schools. Reproduction theorists suggest that school success is closely related to the degree to which the culture of the home corresponds with the culture of the school. Each child brings to school knowledge, values, skills, and dispositions that are acquired outside of school, primarily through their family interactions. This cultural capital is often differentially recognized, valued, and rewarded by the school system, with schools generally possessing a systemic preference for dominant white, middle-class male values, language, and views of the world. The consequence of this world view is that children’s school experiences vary greatly. Children are labelled differently, exposed to different learning experiences and subject to different relationships with their teachers. In Canada, this analysis has perhaps its sharpest illustration in the history of Residential Schools for Indigenous students (Truth and Reconciliation Commission of Canada <http://www.trc.ca/>) and is also central to much of the literature and reform initiatives of multicultural/anti-racist education (Bengezen et al., 2019; George et al., 2020; Ghosh & Abdi, 2013; Howard & James, 2019; Marom, 2019) and gender inclusive schooling (Bain & Podmore, 2020; Burkholderr et al., 2021; Davies et al., 2019; Herriot et al., 2018).

A kindergarten art class, for example, might illustrate the ways in which educators may make very explicit assumptions about the work that the family (stereotypically the mother at home) has already done. When children initially learn how to paint, they tend

to mix paints indiscriminately. Red paint brushes are dabbed into a variety of other colours and the result of this cross mixing is that the paint is soon a uniform grey that is undesirable to both student and teacher. If a parent has done some prior work at home, such as instructing the child to “place paint brushes only in similarly coloured paint jars,” then one can proceed to other, more complex levels. If no one has given such instructions at home, the teacher must help develop the child’s skills until they reach this level. Generally, the practices of middle-class parents tend to complement the work expectations of teachers, while the demands of child care, employment, and meeting basic needs with which less affluent families must struggle often conflict with the demands of teachers (see also Griffith, 1995). When observing differences in “who can draw” the teacher is really seeing differences in experience with drawing and not innate talent or ability. What is insidious about such a judgment, is that it leads to formal and informal forms of tracking and stratification based on explicit and tacit labelling procedures (Manicom, cited in Olsen, 1991).

The research on schools and families concludes that families have a powerful influence over all aspects of children’s lives, including their experiences of schooling. This impact occurs irrespective of any formal interaction between parents and teachers, and can work to disadvantage or to assist students in their schooling. In examining the formal ways in which schools and families interact, and the ways in which such interactions might be expanded and improved, the theoretical perspectives introduced above provide a conceptual framework for raising important questions of power and participation: which parents are being involved, on whose terms and in what areas of school life, and with what intended and actual outcomes for which students?

Box 8.2.1

Schools, Families, and Communities as Co-Producers of Student Learning

Schools, families, and communities “co-produce” student learning. Those of us working in and about schools sometimes like to think, however, that our part of the production is the main action. Indeed, the relatively recent appearance in the media of school rankings according to student performance on province or state-wide tests even encourages us (and the public at large) in the belief that differences in the characteristics of schools are enormously important explanations for how well our students do.

While the work that occurs within the school's walls is undeniably important, it would be delusional of us to believe that little else matters for a student's success. Evidence from large-scale studies of school effects now suggest that differences in the characteristics of schools explains only 12-20% of the variation in students' math and language achievement across schools. So, what explains the rest? Well, a pretty compelling body of research now suggests that families and communities are a big part of the answer – perhaps accounting for as much as half of the variation in student achievement across schools.

Besides wringing our hands in the face of such evidence, how should we respond? Hand wringing might be a rational response if we had to view what families and communities do as “givens”, things outside our influence. An increasing number of educators, however, no longer see families and communities in this light. Instead, they work with families and communities to help ensure the best possible

educational experiences for their students both inside and outside the school building. It would not be too extravagant to claim, in fact, that contributing to the co-production of student learning is one of the most promising conceptions of professional educators' work, especially for those who teach younger students.

Source. Kenneth Leithwood, "The road to success". The editorial introduction to a special issue of the journal *Orbit*, 34(3). Published in 2004 entitled, "Schools, families and communities: Which relationships matter most?"

8.3 Separate Worlds: Traditional Patterns of Parent-Teacher Relations

Despite the role that families play in promoting educational success, schools have generally made only limited attempts to develop well-structured links with parents, and home-school relations are often still characterized by a considerable degree of unease. There are several explanations for this. Traditionally, social scientists have pointed to the inherent incompatibility of families and schools as social institutions in terms of their goals, roles, and relationships. Within the family, children and adults form small and enduring social units that are characterized by highly personal and emotional bonds of dependency and support. These cohesive social units operate in marked contrast to the ways in which large numbers of students are required to relate to a relatively few teachers in schools and classrooms that are, more or less, bureaucratically organized, and where relationships are typically task-specific and sometimes impersonal. Given this incompatibility, it was argued that homes and schools' separate purposes are best achieved independently, when "teachers maintain their professional, general standards and judgments about children in their classrooms, and when parents maintain their personal, particularistic standards and judgments about their children at home" (Epstein, 1986, p. 277).

A further barrier to parent-teacher collaboration is created by teachers' long-standing ambition to be afforded the status and prestige of true professionals. Inasmuch as such aspirations are seen as requiring teachers to be the possessors of a unique and specialized body of knowledge that is unavailable to others, the pursuit of such recognition has the dual effect of both devaluing, in the eyes of the school, the knowledge that parents possess about

their children and discouraging teachers from sharing their knowledge with “nonprofessional” parents, even though these are essential elements of meaningful collaboration. When this drive for professional status is placed within the context of the deficit view of families noted earlier, it is hardly surprising that only limited effort has been made to develop broad-based initiatives that could transcend the structural differences that characterize families and schools, and work collaboratively toward commonly held educational objectives.

As a consequence, parent–teacher relations often remain poorly developed, left up to the efforts of individual teachers, reaching only some parents, and directed away from central issues of instruction and governance.

8.4 Justifications for Collaboration

Arguments in favour of greater parent/caregiver involvement in schools, as noted in Chapter Two, include philosophical and political beliefs that participation in such a key social institution is essential to the pursuit of democracy; that public education is too important to be left solely to educators; and that without participation, the interests of those currently less well served by public schools will not be improved. A more pragmatic political argument suggests that broad-based participation is essential as a way of mobilizing and maintaining public support for schooling in an era of fiscal restraint and shifting demographics. While we believe firmly in the importance of all these arguments, another set of arguments that tends to be focused more narrowly on school outcomes is of primary concern in this chapter. In the past 50 years increasing amounts of research have been accumulated that support the assertion that student learning and well-being is enhanced when communities, families, schools, and students work together (Goodall, 2013; Henderson et al., 2002), referred to by Joyce Epstein as a theory of “overlapping spheres of influence” (Epstein, 1995).

8.5 A Typology of Parent/Caregiver and Family Involvement

Collaboration among parents, families, and schools can take many forms; in fact, effectiveness is likely to be predicated on families being able to assume a variety of roles based on their specific needs and the particular conditions of each school. For many years, some of the most comprehensive research and writing in this area has been carried out by Joyce Epstein with the Centre on Families, Communities, Schools, and Children's Learning in the United States. In a classic article, Epstein (1995) suggested six main types of partnerships among parents, families, communities, and schools relating to:

1. parenting;
2. communicating;
3. volunteering;
4. learning at home;
5. decision making; and
6. collaborating with the community.

Each of these approaches is summarized in Box 8.2, and with the exception of issues related to Epstein's category of decision making, which have already been discussed in Chapter Two, and issues of collaborating with the community, which are given special attention in the second half of this chapter, each is discussed briefly below.

Parenting

It is not the task of teachers or schools to dictate to parents how to raise their children. Nevertheless, schools at all grade levels can play an important supporting role in helping families provide for their children's health and safety, and the development of parenting skills that complement children's growth and experiences in school. Examples of such activities might include the early childhood centre described in the prologue to this chapter; invitations to parents to join teachers for workshops on issues such as conflict resolution, adolescent relationships, learning styles, or peer tutoring; the operating of food banks or clothing exchanges through the school; or the use of community liaison workers to assist with the reception and settlement of new families into a school's neighbourhood.

School–Home Communication

Expressed in simple terms, school–home and home–school communication refers to the need for schools to transmit messages and share meanings with parents about school programs and children's progress. Such endeavours are rarely simple. In a few primarily rural settings large amounts of such communication still occur with relative ease and informality. Parents and teachers who share many common experiences and expectations of the school meet frequently and comfortably in their everyday lives in the community. Yet these circumstances are increasingly the exception. In an urban community, large schools draw students from geographically, economically, and culturally diverse neighbourhoods that are often quite distinct from those of their teachers. In such contexts, interactions do not occur frequently; nor can common experiences and expectations of schools be taken

for granted. Effective communication between home and school is unlikely to occur unless it is formally initiated, promoted, and respectfully nurtured by the school. Today the phrase “hard-to-reach parents” is often used, but we also need to understand the parent perspective that defines the issue differently as “hard-to-reach schools.”

Box 8.5.1

Epstein's Framework of Six Types of Involvement and Sample Practices

Type 1. Parenting

Help all families establish home environments to support children as students.

Sample Practices

- Suggestions for home conditions that support learning at each grade level.
- Workshops, videotapes, computerized phone messages on parenting and child rearing at each age and grade level.
- Parent education and other courses or training for parents (e.g., GED, college credit, family literacy).
- Family support programs to assist families with health, nutrition, and other services.

Type 2. Communicating

Design effective forms of school-to-home and home-to-school communications about school programs and children's progress.

Sample Practices

- Conferences with every parent at least once a year, with follow-ups as needed.
- Language translators to assist families as needed.
- Weekly or monthly folders of student work sent home for review and comments.
- Parent–student pickup of report card, with conferences on improving grades.
- Regular schedule of useful notices, memos, phone calls, newsletters, and other communications.
- Clear information on choosing schools or courses, programs, and activities within schools.
- Clear information on all school policies, programs, reforms, and transitions.

Type 3. Volunteering

Recruit and organize parent help and support.

Sample Practices

- School and classroom volunteer program to help teachers, administrators, students, and other parents.
- Parent room or family centre for volunteer work, meetings, and resources for families.
- Annual postcard survey to identify all available talents, times, and locations of volunteers.
- Class parent, telephone tree, or other structures to provide all families with needed information.
- Parent patrols or other activities to aid safety and operation of school programs.

Type 4. Learning at Home

Provide information and ideas to families about how to

help students at home with homework and other curriculum-related activities, decisions, and planning.

Sample Practices

- Information for families on skills required for students in all subjects at each grade.
- Information on homework policies and how to monitor and discuss schoolwork at home.
- Information on how to assist students to improve skills on various class and school assessments.
- Regular schedule of homework that requires students to discuss and interact with families on what they are learning in class.
- Calendars with activities for parents and students at home.
- Family math, science, and reading activities at school.
- Summer learning packets or activities.
- Family participation in setting student goals each year and in planning for college or work.

Type 5. Decision-Making

Include parents in school decisions, developing parent leaders and representatives.

Sample Practices

- Active PTA/PTO or other parent organizations, advisory councils, or committees (e.g., curriculum, safety, personnel) for parent leadership and participation.
- Independent advocacy groups to lobby and work for school reform and improvements.
- District-level councils and committees for family

and community involvement.

- Information on school or local elections for school representatives.
- Networks to link all families with parent representatives.

Type 6. Collaborating with Community

Identify and integrate resources and services from the community to strengthen school programs, family practices, and student learning and development.

Sample Practices

- Information for students and families on community health, cultural, recreational, social support, and other programs or services.
- Information on community activities that link to learning skills and talents, including summer programs for students.
- Service integration through partnerships involving school; civic, counselling, cultural, health, recreation, and other agencies and organizations; and businesses.
- Service to the community by students, families, and schools (e.g., recycling, art, music, drama, and other activities for seniors or others).
- Participation of alumni in school programs for students.

Source. Epstein, J. L. (1995). School/family/community partnerships: Caring for the children we share. *Phi Delta Kappan*, 76(5), 701–12. Reproduced with permission.

D'Angelo and Adler (1991) refer to effective communication as “a magnet that draws together the spheres of influence that affect children’s lives: school, home, community and the peer group” (p. 350). They categorize such communication into written communication (memos, newsletters, report cards); face-to-face communication (conferences, home visits); and technological communication (recorded telephone or e-mail messages, computerized attendance call-backs, homework hotlines, and videos). Some schools have now begun to develop comprehensive strategies for home-school communication, making creative use of multiple forms of communication from each of these categories. In this process, the importance of carefully planned, ongoing, face-to-face interactions that begin early in a child’s school career (or even prior to the start of their formal schooling) is generally acknowledged. Such interactions have the most potential for establishing and nurturing personal relationships of confidence and trust, which can then be reinforced with other forms of communication.

Involving Parents/Caregivers in Schools

Most schools, especially elementary schools, make some use of parents as volunteers, although these activities are often left to the initiative of the individual teacher and remain largely unstructured at the school level. A parent volunteer may work in specific classrooms as an aide to the teacher; in the library, cafeteria, or on the playground; or at special events such as field trips or fundraisers.

Working one-on-one with students as a teacher aide, in addition to enhancing the educational productivity of the classroom, has the potential to provide parents with teaching skills that may be directly transferable to their home situation and their own children.

Furthermore, while it may be impossible for many parents to be in school during the day, the normal presence of parents in the school may have other substantial benefits.

A key element in many efforts to develop parent involvement in the daily life of schools has been the setting aside of space in the building for a parents' centre, which serves as a place for parents to meet and work, allows for face-to-face contact between parents and teachers, provides materials for parents to take home, and facilitates a substantial and coordinated parent presence in the school.

Involving Parents/Caregivers in Learning Activities at Home

Aside from the initiatives to promote work with parents in schools, there are the school-initiated strategies, involving all or most parents, that attempt to increase the “educational effectiveness” of the time that children spend with their parents. Such strategies may include activities designed to reinforce specific learning strategies that are closely linked to the work that students do in their classrooms and/or general skills and behaviours such as study habits and problem-solving abilities.

Becker and Epstein (1982) identify a large number of such strategies, and classify them as follows:

1. techniques that involve reading and books;
2. techniques that involve discussions between parents and children;
3. techniques based on informal activities and games;
4. tutoring and teaching techniques; and
5. formal contracts between parents and children.

Probably the most common and frequently evaluated forms of home-based learning activities involve parents, or other family members, reading to or being read to by their children in the early grades of their school careers.

Initiatives such as these, though relatively common in the early grades of school, become increasingly rare as grade level increases. One reason for the decline is that parents tend to become less confident of their ability to help their children; as well, without direction and support from the school, such forms of parent collaboration tend to taper off and disappear (even though the research suggests that it can remain important to student learning). Quite a few provinces have now created materials to help parents in this way, including Manitoba and Ontario – these materials can usually be found on provincial websites.

Box 8.5.2

Paths to Partnership: What We Know and Don't Know

Joyce Epstein, co-director of the Center on Families, Communities, Schools and Children's Learning, and Professor of Sociology at Johns Hopkins University in Baltimore, suggests the following key themes from recent research on improving parent-school collaboration:

- Programs at all levels reveal similarities between parents and educators where differences were once assumed. Parents and teachers are finding that they share common goals and need to share more information if they are to reach those goals.
- Programs must continue across the years of

childhood and adolescence. Educators ... now recognize the importance of school–family connections through the high-school grades.

- Programs must include all families, including those traditionally considered to be “hard to reach.”
- Programs make teachers’ jobs easier and make them more successful with students.
- Program development is not quick. Long-term and sensitive work is needed for real progress in partnerships.
- Special grants have been an important catalyst in the United States for innovations in parent involvement.
- Family–school coordinators (under whatever title) may be crucial to the success of programs to link schools, parents, and communities. Coordinators guide school staffs, provide in-service training for educators, offer services to parents, and perform other tasks that promote partnerships.
- Parent centres in the school or in the community are important ways of making parents feel welcome.
- Even with rooms for parents, practices need to emphasize reaching and involving families without requiring them to come frequently to the school.
- Technology can help improve many types of involvement.
- There are still vast gaps in our knowledge that can be filled only by rigorous research and evaluation of particular types of school–family connections in support of children’s learning.

Source. Epstein, J. L. (1991). Paths to partnership. *Phi Delta Kappan*, 345–9. Reproduced with permission.

8.6 Reaching the potential of Family-School Partnership for All Students

Despite the sustained interest in their potential for improved school experiences, family-school relationships often remain, as noted earlier, poorly developed. The notion of family-school partnerships can leave unstated important questions of equity and reciprocity within the design and implementation of these partnerships. Further, as a number of authors have noted, the meaningful restructuring of traditional school-family relationships usually requires the commitment of substantial resources, including teacher and parent capacity development.

A major criticism of many parent involvement initiatives is that they are “school-centric” rather than “community-centric” in their design and as such constitute the imposition of a particular, class-based and culturally biased, parenting style and intrusion into family life, which has the potential to increase rather than decrease educational inequality. Despite the language of family-school “partnerships” or the “co-construction of student learning”, Pushor and Ruitenberg (2005) argue that in school-centric approaches what is to constitute “parent involvement” is defined and controlled by school administrators and teachers and affords little or no space for parent knowledge of voice in the construction of their children’s school experience or in the school’s place within the local community. Preferring the terms “community-centric” and “parent engagement” they state:

engagement implies enabling parents to take their place alongside educators in the schooling of their children, fitting together their knowledge of children, of teaching and learning, with teachers’ knowledge. With parent

engagement, possibilities are created for the structure of schooling to be flattened, power and authority to be shared by educators and parents, and the agenda being served to be mutually determined and mutually beneficial. (p.13)

Such an approach, they argue, offers the promise of family-school partnerships that are shaped by the specific social and cultural contexts of individual schools, and initiatives that are appropriate to diverse family and community needs and values.

Addressing the core issue of capacity and capacity-building in the development of family-school partnerships in the USA, a valuable report from the Southwest Education Development Laboratory (2013) warns that:

these [programs] are often predicated on a fundamental assumption: that the educators and families charged with developing effective partnerships between home and school already possess the requisite skills, knowledge, confidence, and belief systems—in other words, the *collective capacity*—to successfully implement and sustain these important home-school relationships. Unfortunately, this assumption is deeply flawed. Principals and teachers receive little training for engaging families and report feeling under-prepared, despite valuing relationships with families. Parents meanwhile—particularly low-income and limited-English-proficient parents—face multiple barriers to engagement, often lacking access to the social capital and understanding of the school system necessary to take effective action on behalf of their children. Without attention to training and capacity building, well-intentioned partnership efforts fall flat. Rather than promoting equal partnerships between parents and schools at a systemic level, these initiatives default to one-way communication and “random acts of engagement” such as poorly attended parent nights. (pp. 5-6)

Box 8.6.1 below provides an example of what might constitute a professional development curriculum for parent engagement.

Box 8.6.1

Building Capacity for Parent Engagement – A Curriculum of Parents

Contending that currently, educators across North America are simply not prepared to understand and establish effective relationships with parents, Pushor and Amendt (2018) suggest the following elements for a “curriculum of parents”. An invitation to teachers “to:

- sustain their learning over time,
- immerse themselves in scholarly readings and discussions,
- learn with and from experiences with families and parents,
- invest personally by reflecting upon and sharing their own family stories,
- position themselves as vulnerable and as learners in new learning contexts, and,
- put their learning into practice by designing and trying something new or by remaking a former practice in a new way”. (p. 204)

For a school staff to undertake this work, Pushor and Amendt suggest requires a process of “interruption” and “dis-positioning” that allows them to interrogate their taken-for-granted thinking and practices and take up new positions grounded in a ‘family-centric’ perspective.

Critical to achieving this they suggest are:

- *Creating a safe and educative learning environment:* Exploring deeply engrained assumptions and beliefs about parents can only take place when there is a shared sense of trust and willingness engage in vulnerable conversations. Such a climate has to be developed and nurtured.
- *Scaffolding authentic experiences for staff:* Creating professional development opportunities, such as a guided community walk, for teachers and community members to mingle and begin to understand each other. Authentic and meaningful time with parents using a strength-based and asset-focused approach
- *Bringing together experience and education:* This work is both emotional and intellectual. Concepts from the academic and professional literature allows educators to bring deeper understanding to their knowing.
- *Joining together:* Establishing shared beliefs with parents and community – a belief that “this school belongs to all of us”.
- *Co-constructing new school practices:* Creating a family-centric environment allows for systematic changes that foreground parental engagement and the co-creation new relationships and practices that enhance everyone’s school experiences/education.

Source. Adapted from Pushor, D., & Amendt, T. (2018). Leading an examination of beliefs and assumptions about parents. *School Leadership and Management*, 38(2), 202-221.

8.7 Communities and Schools

The focus in this chapter thus far has been primarily on the relationship between families and schools, and its importance in producing school outcomes. We now broaden our discussion to include a more extensive set of interactions that involve parents' *collective* activities, as well as those of people who do not have children or whose children are not of school age. These people, living and working close to schools, are often referred to as the "community," although, as will be noted shortly, a strong sense of community in public school neighbourhoods is a relatively rare occurrence today.

Coleman and Hoffer (1987), in their study of public and private schools in the United States, found that the community surrounding Catholic private schools constituted a very significant educational resource. These communities, with their social networks and common norms of behaviour, supported individual parents both in their interactions with schools and with the supervision of their children's behaviour. Referring to this as *social capital*, Coleman and Hoffer note,

The feedback that a parent receives from friends and associates, either unsolicited or in response to questions, provides extensive additional resources that aid parents in monitoring the school and the child, and the norms that parents, as part of their everyday activity, are able to establish act as important aids in socializing children. (p. 7)

Similar situations exist within the Canadian public school system, although they tend to be relatively uncommon.

In most public schools, students are drawn from a geographically defined catchment area rather than from a true community in the sense described above. Rather than being supported by a closely knit social group that holds a common set of values and

expectations, the public school has become a meeting place for a wide range of interests and loosely structured communities. Within such settings, students develop a peer culture that may work either in harmony or in opposition to the educational goals of the professional staff. In some schools, virtually all of a student's relationships outside of the family are with other students in the school, while in other schools, students may have a much wider set of relationships. Likewise, the norms of the student culture may be in harmony with those of the school or may serve to undermine them.

Community Education and Community Schools

Calls for community schools that are more responsive to their communities come from many quarters and are driven by many different visions and expectations for schools, their clientele, curriculum, and governance and use a variety of different terminology including “community schools”, “full-service schools”, “hub schools”, and “wraparound schools” (Clanfield & Martell, 2010; Thompson, 2008; Tymchuk, 2001). As indicated in Box 8.7.1, the notion of a community school extends beyond simply shared facilities or coordinated service delivery to focus on “two-way community hubs” (Clanfield, 2010, p. 20) that link enhanced learning in school to local community development.

Box 8.7.1

The Idea of a Community School

- The Community School concept has its roots in community development ideas. These schools collaborate with community members to strengthen both the school and the community in which the school is located. Close ties to the community ensure that school programs reflect the cultural and socioeconomic life experiences of the children and youth who attend, and also are directed at meeting their unique needs.
- Community schools are characterized by the provision of at least some of the following integrated school-linked services to children and youth, and their families; education, health, social services, justice and recreation. The school is the most convenient site for the delivery of these community-based services.
- Community Schools value community involvement to enable students to succeed. Parents especially are encouraged to share responsibility for the education of their children. Community School Councils are made up of representatives from the school, including students, and the community. This structure guides the development of the relationship between school and community, and creates the opportunity for community/school collaboration and participation in important decision making.
- Community Schools focus on community development as well as school development. As well as programs for students, school facilities are used for community events, meetings, and programs. Adult education activities and day cares are well suited to Community Schools and serve as examples of how

community functions can be integrated into the school. An “open door” policy is evident in these schools.

- Teachers’ roles are different in Community Schools. Teachers are compelled to interact much more closely with the community and various service providers. They are more integrally involved with the non-academic needs of children and youth. Teachers require in-service to prepare them to work collaboratively with non-educators.
- Administrators play an important leadership role in Community Schools ensuring that decision making is collaborative, and that power is shared with teachers, the Council, and other service providers.
- Many adults are present in Community Schools on a daily basis, playing a variety of roles from providing services to acting as volunteers. Students have access to a network of adults who support their learning and development. These include a coordinator, teacher associates, nutrition workers, counsellors, and elders-in-residence.

Source. Tymchak, M. (2001). Saskatchewan Task Force on the Role of the School. Final report to the Government of Saskatchewan. Available at <https://edadm821.files.wordpress.com/2013/01/schoolplus-final-report.pdf>

Thompson (2008) makes the distinction between *community education* as a philosophy based on community involvement and lifelong learning that expands the traditional role of the school

and creates a mutually interdependent relationship among home, school, and community (p. 6) and *community schools* as the delivery system for achieving this philosophy. To this end, the school's clientele may be expanded from the traditional school-aged cohort to include all ages, from prenatal and early childhood to adults, with the traditional school year replaced by a year-round program. In some jurisdictions, the community school has been able to provide, by means of collaboration between social services—social workers, guidance counsellors, health-care workers, teachers, and so on—multiple services that are essential in meeting the individual needs of all students in the school. An extension of this approach to community schooling is the recognition that in some—perhaps many—situations, schools may not be the best places for students to learn; the community itself may be the best classroom of all.

Perhaps the most comprehensive effort to develop schools as the centre of the community and as the hub of services and supports for the neighbourhood that it serves occurred in Saskatchewan in the early 2000s. From 1999–2001, a Task Force on the Role of the School, chaired by Dr. Michael Tymchak undertook a public dialogue across Saskatchewan that focused on the changing role of schools. The Task force recommended a creative new vision for schools called School PLUS that would see all schools in the province located within a nexus of governmental, third party, and community-based human service organizations. For a short period of time School PLUS was the centerpiece for educational innovation. More recently it has lost some of its prominence in the province even though the ideas of School PLUS still influence the design and delivery of educational services. The Tymchuk report remains an important articulation of a community school model and below in Box 8.7.2 are some excerpts from the Task Force report.

Today in Canada a number of provinces, including Manitoba, British Columbia, and New Brunswick have Community Schools Programs but generally these have taken on a narrower agenda as initiatives providing additional resources to specific high need

communities to implement community-based supports for students.

Box 8.7.2

Saskatchewan's Vision of School PLUS

The Task Force on the Role of the School

Historically, schools have been charged with responsibility for public education. Great vigilance must be exercised in the protection of this trust. Instead, for some time, we have been asking schools to deliver more and more services and meet more and more needs that 'school' was never intended to meet. Yet, these needs of children and youth must be met and, more than ever before it makes sense to meet them in association with schools. The Task Force believes that the answer to this dilemma of the role of the school, and the apparent competition between public education and the other needs of children, should not be met by asking 'schools' as they are presently constituted to do more and more but, rather, by creating a new environment altogether. ... We have called this environment **School PLUS**.

We say 'school' because we want to signal our determination to preserve the vital role of public education as a service for children and a sacred trust for society. As we move further and further towards the new environment, however, it will become clear that the 'school' in School PLUS names a mission that has become contextualized in a

wholly new way, one that centers on the needs of children and youth.

We say 'PLUS' because the recognition of the needs of children and youth as presented in the school environment today requires much more than public education. Schools cannot provide all of the 'much more'. Indeed, if we foist this expectation on schools, we must expect serious compromise of its role as public educator. Nevertheless, we repeat, the needs are very real and it seems evident that a serious attempt to meet them must be made by society in association with schools.

We say '*in association with schools*' because, outside of the home, the school is the front-line human service agency; teachers see children every day, and for significant periods of time in the day. Within the realm of public agencies, school is thus the most immediate and most natural context for addressing the needs of the whole child.

The Task Force sees the school of the future within a larger human service network. We see the *School* dedicated to public education; we see the *PLUS* providing an environment of other human service support for children and youth. School was never intended to meet the needs of the whole child and neither were any of the other human agencies. If, in fact, we want to meet the needs of the whole child in an integrated manner, then we will certainly need a new human services agency network; but for the 'net' to 'work', the strands will have to be bound much more tightly together than they are now.

Source. Taskforce on the role of the school (Tymchak, 2001). Excerpted from pp. 4-45.

8.8 Conclusion

Educational research has provided compelling evidence to demonstrate the powerful effects that families and communities can have in promoting student success in school. In the light of this research, many schools have sought to find ways to build collaborative relationships with parents, individually and collectively, and to work toward realizing a true educational partnership between home and school. Such efforts have often involved a painful struggle to overcome deeply ingrained suspicions on both sides. Yet despite the fact that co-operation has often proven to be a fragile state of affairs, working effectively with families and the community remains one of the critical elements of the work of today's teacher and school administrator.

Exercises

1. Reread the prologue at the beginning of this chapter. Based on the information provided there and the material in the rest of this chapter, prepare a presentation by Gordon, the principal, on the importance of school–community relations to successful schools. Address it to either his staff, the school board, or the Faculty of Education.
2. Parents who rarely attend parent–teacher conferences, or who do not interact comfortably with the school, are often referred to as hard-to-reach parents. We do not generally talk of hard-to-reach schools. List some of the ways in which schools might purposefully (or accidentally) discourage parent participation in student learning. How could these barriers be eliminated?
3. Interview several parents of students in either an elementary or a secondary school. What kind of contact do they have with the school? Who initiates contact? How do they feel about their relationship with the school?
4. Interview one or more teachers about working with parents. What do the teachers do to involve parents? What are their views about the value or potential of greater parent involvement?
5. Study a local school to see what policies and practices it has in place with respect to parent and community involvement. How do these practices compare with some of those suggested in this

chapter?

6. Review one reading by a reproduction theorist. Do you find her or his argument about the schools as instruments of the status quo to be compelling? Why or why not?
7. Outline the ‘pros’ and ‘cons’ of developing a “full-service” school and school system as proposed in Saskatchewan’s School PLUS vision. What sorts of services would you link to the school? Which would you not link? Why?
8. You are part of a small committee of teachers and parents that was established by your school principal to improve home-school collaboration. Currently, there is little interaction in your school between parents and teachers, apart from one parent-teacher conference each year to discuss student progress, a steady flow of memos from the school to parents, and the very occasional parent conference to deal with the problems of individual students, usually related to discipline. Develop a proposal that outlines a rationale for increased collaboration (why you think it is important) and a one-year strategy for initiating a new collaborative relationship. What difficulties might you anticipate from parents or teachers?
9. In the chapter, it was suggested that effective communication is easiest between people who share similar knowledge, experiences, and expectations of schools. How might class and cultural differences between teachers and families create barriers to effective school-home communication? How might these barriers be overcome?

CHAPTER NINE: TEACHERS AND THE TEACHING PROFESSION

9.1 Prologue

A small group of teachers stopped for a moment in the board office parking lot on their way out of that evening's professional-development symposium, which had been sponsored jointly by their school board and the local chapter of the teachers' federation. "Ok, Sue, you're not far from my place. I'll drop you off," said Larry, a chemistry and physics teacher at Foothills Collegiate. "See the rest of you tomorrow." As the two of them headed for Larry's station wagon, the rest of the group – André, Lisa, and Anya – climbed into Garret's van and fastened their seat belts as they joined the line of cars filing out of the parking lot.

"Well," Garret asked, "What did you think? I thought he was pretty good." Garret was the half-time vice-principal at Foothills Collegiate, where Larry, André, and Anya taught, and where Sue and Lisa were currently completing their student teaching placement. The evening's speaker had been a superintendent visiting from out of the province. In his talk, entitled "The Extended Professional Teacher," he had described the way in which his district had attempted systematically to stimulate and support professional growth among its teachers.

"Yeah, I really appreciated what he had to say," added Carol. "I wrote down his definition of the extended professional: 'a capacity for autonomous professional development through systematic self-study, through the study of the work of other teachers, and through the testing of ideas by classroom research procedures.' But to

hear how they were actually doing it – with teacher research teams conducting their own action research on key issues like student retention or mental health in school, and with teachers actually sitting in on each other's classes and sharing their experience and expertise with each other – I mean, most of us talk about doing that kind of stuff, but to have a superintendent who not only encourages it but actually provides resources to make it happen, that's really exciting."

"I think what he said about making critical links to the existing research was important too," added André, "so we're not just throwing around our own opinions but also testing them against the research, and also testing the research against our own experience. I think his district would be a neat place to work – a place where they give you the time and opportunity to sit down and talk about important educational issues. What did he call it? 'Critical professional discourse,' I think. We need that sort of opportunity here if we're going to keep growing as teachers over the length of our careers."

"Well," said Garret, "you know we've tried to do that with the student teacher project. I know it's only a beginning, but we do meet on a regular basis about that, and it does link us to the university as partners in designing and supervising students' practice teaching experiences. But I agree it is pretty much a one-of-a-kind activity. In our district, it's really up to teachers to take care of their own professional development. Perhaps we should develop some school-based initiatives of our own. I think the principal might go for it, and I'm sure the staff would."

Meanwhile, as they drove away from the board office, Larry and Sue were having a quite different conversation.

“He should have called his presentation ‘The Over-Extended Professional,’ Larry commented. “I don’t know why I came in the first place. I should be home dealing with the pile of marking I have to get back to my chemistry class tomorrow. I’ll be up half the night now. I mean, it sounds all right in theory maybe, but if we’re going to be seen as professionals, I say what we need to do is to get serious about what it is that we do: teach kids in classrooms. If we pay attention to that, keep up on our own subject and on our teaching and make sure that the kids in our classes are learning what we’re supposed to be teaching them, then I don’t see how you can have time for ‘action research’ or whatever. I get quite angry at the number of days that some teachers spend away from their classes on curriculum committees or doing workshops and the like. Sometimes that’s what I call *unprofessional*. I don’t think we all have to be philosophers and researchers to be professional – we just have to be given the supports to do our job and then left alone to get on with it. I work damned hard, and my students always get among the best science results in the province. That’s how I’m professional, and I think that’s how we should judge the profession.”

The status of public school teachers in Canada has long been a topic of debate, and some sensitivity, among teachers and teacher organizations. Among Canadian teachers, the legitimacy of their claim to be regarded as professionals is usually vigorously asserted, and the desirability of enhanced professionalism is often taken for granted. However, occupational groups do not attain professional status simply by self-proclamation and governments have

historically resisted efforts to afford teachers professional autonomy.

Over the last thirty years, as Hargreaves and Fullan (2012) note, the issue of teacher professionalization in Canada and elsewhere has become increasingly prominent as governments, bureaucracies, and big business have begun to sponsor various approaches to this project. Paradoxically, governments are promoting initiatives such as self-regulation and the establishment of professional standards of practice which seem to support the goals of teacher professionalization while simultaneously implementing changes that work in the opposite direction, such as the centralization of curriculum and assessment decision making and the capping of teachers' salaries. One way of interpreting these apparent contradictions is to see aspects of teachers' work "becoming *reprofessionalized* in ways that involve broader tasks, greater complexity, more sophisticated judgment, and collective decision-making among colleagues, while other parts are becoming *deprofessionalized* in terms of pragmatic training, reduced discretion over goals and increased dependence on detailed learning outcomes prescribed by others" (Goodson & Hargreaves, 1996, p. 3).

In the first part of this chapter, we examine the concept of professionalism and its utility in understanding and describing the work of teachers. From this examination, we will develop a position, already foreshadowed in earlier chapters of this book, for thinking about teaching as a unique kind of profession. The second half of the chapter considers the implications of this professional identity for the practice of public school teachers and the structuring of relations in public school, and also discusses the roles of teachers' professional associations in Canada.

Box 9.1.1

Hall

OCCUPATIONAL CHARACTERISTICS

- A full-time occupation;
- Substantial university-based training;
- Professional associations; and
- A Code of Ethics.

INDIVIDUAL CHARACTERISTICS

- A belief in service to the public;
- A belief in self-regulation and colleague control
- A sense of calling to the field; and
- A belief in professional autonomy.

Rich

- A high degree of general and systematized knowledge;
- A long period of specialized, intellectual training;
- Intellectual practice;
- A unique social service;
- Controls standards of entry and exclusion;
- Enforces a professional code of ethics; and
- Grants a broad range of autonomy to members.

Hoy and Miskel

- Technical competence gained through long training;
- A set of professional ideals, including a service

ideal, impersonality, and impartiality;

- Autonomy in professional decision-making; and
- Self-imposed control based on knowledge standards and peer review.

Rodrigues

- Possession of academic, pedagogic, ethical and strategic knowledge;
- Requires continuous education in pre-service, induction, and in-service that focuses on theory and practice, developed within a framework of values;
- Autonomy in teaching with the ability to challenge norms with objectivity and integrity;
- Activism on an individual and/or collective level on issues related to teaching and learning;
- Altruism or action in service to others; and
- Collegiality in terms of equal authority, respect, independence, representative, and collaborative decision making.

Sources

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- Rich, J. (1984). *Professional ethics in education*. Springfield.
- Hoy, T. W., & Miskel, C. (1987). *Educational administration* (3rd ed., pp. 148–50). Random House.
- Rodrigues, A. (2004). *A conversation about professional accountability: Redefining professionalism*. Canadian Teachers Federation

National Conference, Ottawa, Ontario. Available at
the Canadian Teachers Federation website

9.2 What is a Profession? A Traditional Perspective

In everyday life, the terms “profession” and “professional” have a very broad range of meanings; in the academic literature, however, they have traditionally been more narrowly defined. Despite this, there is still some variation in the ways in which these terms are derived and used. Their meanings are most often developed through an examination of the characteristics of so-called “true professions” (especially medicine and law). From this examination emerges an ideal type or model consisting of a series of characteristics that serve to separate professions from other occupations. Four examples of widely accepted definitions of profession are included in Box 9.1.1. It should be noted that the Rich, and Hoy and Miskel definitions relate to the characteristics of a profession in general, the Rodriguez definitions relate specifically to teaching as a profession. While each has its own unique emphasis and language, these definitions share the following broad characteristics:

1. A profession possesses a unique body of knowledge that is obtained by its members over a long period of formal training. Professionals are continually adding to this knowledge throughout their careers.
2. A profession is an essential service that is held in high regard by society at large; as such, its members are usually afforded high status in the society.
3. A profession is afforded a high degree of autonomy and is self-regulating. Professional bodies possess a code of ethics and regulate both entry into the profession and the behaviour of their members – including the ability to decertify them. Individual members exercise independent judgment in carrying out their work within the profession’s rules, and

depend on their peers rather than their superiors for advice and direction.

Such lists of characteristics have the conceptual status of an “ideal type”: no occupation fully embodies each of these characteristics, and different occupations vary over time and from place to place in the extent to which they meet each of the defining characteristics. Given this perspective, the ideal type does more than simply enable us to determine whether teaching (or any other occupation) makes it into the elite ranks of the professions; as an analytical tool, it allows us to examine the ways in which teaching approximates each of these attributes so that we can better understand the nature of public schools and the organization of teaching. Accordingly, the next section examines how the above characteristics of professions have been viewed in relation to teaching.

9.3 Is Teaching a Profession?

The drive for recognition as a profession by Canadian teachers has often involved attempts to demonstrate a close approximation to the ideal type and more specifically to try to replicate those characteristics seen to be exhibited by high-status professions. This argument for professional status is referred to by Soder (1990) as a “similitude argument”.

A Unique Body of Knowledge

Whether or not teaching possesses a clearly defined, highly developed, unique body of specialized knowledge that is demonstrably linked to professional proficiency has been a subject of some debate. In recent years, a substantial amount of educational research has been developed to inform professional practice. There have also been efforts to systematize this knowledge into a coherent body that could be defined as teachers’ professional knowledge, and that could then serve as a basis for the preparation and certification of teachers (Association of Canadian Deans of Education, 2017; Shulman, 1987). One of the most influential of these efforts has been the work of Lee Shulman (1987) whose seven-domain typology is summarized in Box 9.3.1. It would, however, be difficult to argue that this process has achieved the status of some other professions. Most teachers still say that they learned most of what they needed on the job, and that most hold a relatively low opinion of their professional training. On the other hand, many researchers believe that there is a formal knowledge base to guide educational practice (Darling-Hammond, 2020; Hattie, 2008; Hayes & Doherty, 2017).

Box 9.3.1

Shulman's Presentation of the Knowledge Base of Teaching

Content Knowledge:

- Specific subject matter knowledge, understandings, and skills relevant to the school curriculum.

General Pedagogical Knowledge:

- Broad principles and strategies of teaching and learning, classroom organization and management that apply across specific subject areas.

Curriculum Knowledge:

- The materials and programs that serve as “tools of the trade” for teachers.

Pedagogical Content Knowledge:

- That special amalgam of content and pedagogy that is uniquely the province of teachers, their own special form of professional understanding.

Knowledge of Learners and their Characteristics:

- The cognitive, physical, emotional, social, historical, and cultural factors that are associated with students' needs and interests.

Knowledge of Educational Ends:

- Ranging from the workings of the group or

classroom, the governance and financing of school districts, to the character of communities and cultures.

Knowledge of the Wider Purposes of Education:

- Knowledge of educational ends, purposes, and values, and their philosophical and historical grounds.

Source. Shulman, L. (1987). Knowledge and teaching: Foundations of the new reforms. *Harvard Education Review*, 57(1), 8.

An Essential Service

Given the long-standing compulsory nature of schooling, it is not difficult to make the argument that public schools constitute an essential service. In Canada, public opinion has generally placed a high value on schooling and the work of teachers, and although schooling has come under increased public and media scrutiny, public confidence in schools remains high especially when compared to other public and private institutions.

For forty years the Ontario Institute for Studies in Education (OISE) has been conducting regular surveys of public attitudes towards education in the province. In their 2018 publication people were asked to assign a grade to their community school: 75% gave an A, B, or C grade while only 12% assigned a D or Fail grade (Hart & Kempf, 2018). These positive attitudes towards Ontario schools have been quite stable over the forty-year timeframe and compare well with other public institutions.

Further recognition of teaching as an essential service can be

found in the legislation related to collective bargaining, discussed later in this chapter. In some provincial legislation, binding arbitration is used as the final dispute resolution mechanism rather than allowing for strikes or lockouts. In provinces where lockouts and strikes have occurred governments have often used an essential public service argument to justify back-to-work legislation if schools remain closed for long (Jones, 2015; Pace, 2017) – although a 2015 Supreme Court ruling (*Saskatchewan Federation of Labour v. Saskatchewan*, 2015) has imposed constraints on how quickly a government can make such a move.

Self-Regulation

Until quite recently, across Canada teachers have not had responsibility for regulating the profession and have not been able to exercise control over the standards of entry into teaching or the professional conduct of teachers. Rather, it was the minister of education in each province who retained sole authority for issuing teaching certificates and who alone could revoke them for incompetence or misconduct.

In 1987, British Columbia became the first Canadian province to make its teachers self-regulating when the *Teacher Profession Act* (1987) established the British Columbia College of Teachers. This Act in essence assigned to the British Columbia College of Teachers sole responsibility for governing the profession's standards of entry, discipline, and professional development, and in doing so distinguished these from other interests pursued by the traditional teachers' association, such as collective bargaining and the welfare of teachers.

In 1996 Ontario moved to create a similar self-regulating body with the passage of the *College of Teachers Act* (1996). The Ontario College is governed by an 18-person Governing Council that, as of 2021, is made up of nine members of the profession appointed

by the College, and nine members of the public appointed by the Lieutenant Governor in Council, each appointed for a three-year term. The College is charged with governing the profession in Ontario in the best interests of the public by; setting ethical standards and standards of practice; issuing teaching certificates, which it may suspend or revoke; accrediting teacher education programs and courses; and, investigating and hearing complaints about individual members. It is also mandated to communicate with the public on behalf of the profession (Ontario College of Teachers Act, 1996).

In both the British Columbia College and the Ontario College professional roles were intended to be clearly separated from the collective bargaining and welfare activities of the Teachers' Federations. The brief history of Canada's two Colleges of Teachers has not been without its controversies (Gannon, 2005; Smaller, 1995) so much so that in 2011 the British Columbia government dissolved the B.C. College of Teachers and returned most of the College's function to the Ministry of Education and The British Columbia Teachers Council, a body much more controlled by the Ministry (Glegg, 2013). In recent years, while the possibility of establishing a College of Teachers has surfaced in other provinces (Manitoba Education, 2020), neither governments nor teacher associations (and certainly not governments and teacher associations) have shown much interest in pursuing this form of self-regulation.

9.4 An Alternative View of Teaching as a Profession

For some authors (e.g., Coulter & Orme, 2000; Hargreaves & Fullan, 2012), the differences between the practice of occupations such as medicine and law and those of teaching (particularly public school teaching) suggest the inappropriateness of efforts to define and pursue teacher professionalism according to the standards established for other occupations. For example, professionals in some fields do not work well collegially whereas teachers need to do so. Many professions try to keep their specialized knowledge confidential from their clients, while teachers must work collaboratively with students and parents as well as colleagues. One could go on elaborating differences, but the point is that these differences do not necessarily constitute grounds for downplaying the professional status of public school teaching. What they do require is that we recast the concept of professionalism as it is applied to the nature of public schools and the organization of teaching.

One revised formulation can be found in Goodson and Hargreaves (1996). They review four alternative versions of teacher professionalism which they refer to as “flexible professionalism,” “practical professionalism,” “extended professionalism,” and “complex professionalism,” and propose a fifth version, “postmodern professionalism.” This fifth version they see as driven primarily, not by interests of self-serving status enhancement or of technical competence and personal, practical reflection, but by a moral and socio-political vision of teaching as serving the educative goals of caring communities and vigorous social democracies. For them teacher professionalism in the contemporary complex, postmodern age should mean:

- increased opportunity and responsibility to exercise *discretionary judgment* over the issues of teaching, curriculum and care that affect one's students;
- opportunities and expectations to engage with the *moral and social purposes* and values of what teachers teach, along with major curriculum and assessment matters in which these purposes are embedded;
- commitment to working with colleagues in *collaborative cultures* of help and support as a way of using shared expertise to solve the ongoing problems of professional practice, rather than engaging in joint work as a motivational device to implement the external mandates of others;
- occupational *heterogeneity* rather than self-protective *autonomy*, where teachers work authoritatively yet openly and collaboratively with other partners in a wider community (especially parents and students themselves), who have a significant stake in the students' learning;
- a commitment to active *care* not just anodyne *service* for students. Professionalism must in this sense acknowledge and embrace the emotional as well as the cognitive dimensions of teaching, and also recognize the skills and dispositions that are essential to committed and effective caring;
- a self-directed search and struggle for *continuous learning* related to one's own expertise and standards of practice, rather than compliance with the enervating obligations of *endless change* demanded by others (often under the guise of continuous learning or improvement);
- the creation and recognition of high task *complexity*, with levels of status and reward appropriate to such complexity (Goodson & Hargreaves, 1996, pp. 20–21).

Hargreaves and Fullan have extended this articulation of teaching as a profession and teacher professionalism with their work on *professional capital* (Hargreaves & Fullan, 2012; Fullan et al., 2015; Hargreaves & Fullan, 2020). Professional capital, they suggest has

three components: human capital – individual talent, related to teaching qualifications, experience, ability to teach; social capital – collaborative action among teachers centred on instruction and grounded in trust; and decisional capital – the development through introspection and collegiality of expertise and judgement. The nurturing of professional capital offers a powerful vision for the teaching profession and for high quality schools. They argue that,

When the vast majority of teachers came to exemplify the power of professional capacity, they become smart and talented, committed and collegial, thoughtful and wise. Their moral purpose is expressed in their relentless, expert-driven pursuit of serving their students and their communities, and in learning, always learning, how to do that better. (Hargraves & Fullan, 2012, p. 5)

Box 9.4.1

An Ontario College of Teachers: A Collective Vision of Teacher Professionalism

The Ontario College of Teachers offers a model of teacher professionalism built on three pillars: *Ethical Standards*, *Standards of Practice*, and *A Framework of Professional Learning*.

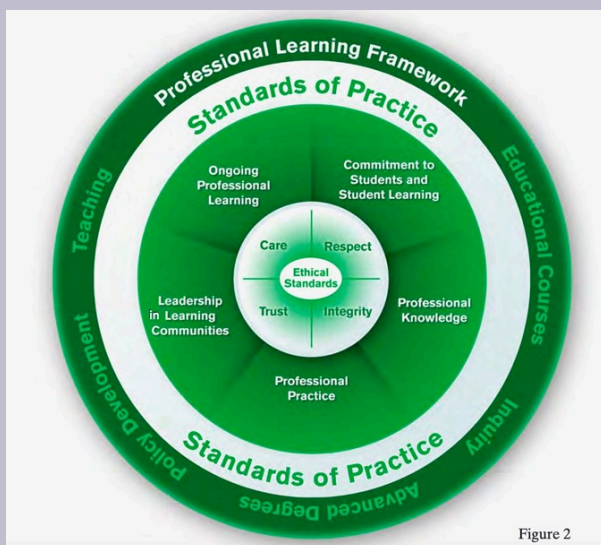


Figure 2

Ethical Standards for the Teaching Profession

- Care, Respect, Trust, and Integrity.

Standards of Practice for the Teaching Profession

- Commitment to students and student learning; Professional knowledge; Professional practice; Leadership in learning communities; and Ongoing Professional learning.

A Professional Learning Framework for the Teaching Profession

- Educational courses; Inquiry: Advanced degrees; Policy development; and Teaching.

Source. Ontario College of Teachers (2016, June).
Professional learning framework for the teaching profession.
<https://www.oct.ca/-/media/PDF/>

Professional%20Learning%20Framework/framework_e.pdf

9.5 Codes of Ethics

There is an obvious relationship between what it means to be a member of a profession and what it means to act professionally. As in other professions, the latter is addressed in teaching by a code of professional practice that is laid out by most, but not all, provincial teachers' associations in Canada. While each provincial association has its own code, there is a considerable degree of similarity among provinces (see Box 9.5.1 for an example of a code of professional conduct, and Table 9.6.1 for the website references for access to all provincial unions, associations, federations, societies and colleges of teachers). Just as the characteristics of a profession cannot capture the complexities of what it means to be a profession, so too a code of ethics represents only a skeletal outline of what it means to be a professional.

The Purposes and Functions of Codes of Ethics

As a guide to professional conduct, an enforced code of ethics serves several functions. First, it provides some assurance to its clients that they can expect to be treated in accordance with established standards of practice and acceptable moral conduct. Second, it offers the general public some confidence that the profession is serving a public interest worthy of trust and support. Third, it offers a set of uniform rules and standards that define for its members acceptable professional behaviour, and that provide a basis for properly regulating their conduct (Rich, 1984).

Box 9.5.1

The Alberta Teachers' Association Code of Professional Conduct

The Code of Professional Conduct stipulates minimum standards of professional conduct of teachers but is not an exhaustive list of such standards. Unless exempted by legislation, any member of The Alberta Teachers' Association who is alleged to have violated the standards of the profession, including the provisions of the Code, may be subject to a charge of unprofessional conduct under the bylaws of the Association.

In Relation to Pupils

1. The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background.
2. (1) The teacher is responsible for diagnosing educational needs, prescribing and implementing instructional programs and evaluating progress of pupils;

(2) The teacher may not delegate these responsibilities to any person who is not a teacher.
3. The teacher may delegate specific and limited

aspects of instructional activity to non-certificated personnel, provided that the teacher supervises and directs such activity.

4. The teacher treats pupils with dignity and respect and is considerate of their circumstances.
5. The teacher may not divulge information about a pupil received in confidence or in the course of professional duties except as required by law or where, in the judgment of the teacher, to do so is in the best interest of the pupil.
6. The teacher may not accept pay for tutoring a pupil in any subjects in which the teacher is responsible for giving classroom instruction to that pupil.
7. The teacher may not take advantage of a professional position to profit from the sale of goods or services to or for pupils in the teacher's charge.

In Relation to School Authorities

8. The teacher protests the assignment of duties for which the teacher is not qualified or conditions which make it difficult to render professional service.
9. The teacher fulfils contractual obligations to the employer until released by mutual consent or according to law.
10. The teacher provides as much notice as possible of a decision to terminate employment.
11. The teacher adheres to agreements negotiated on the teacher's behalf by the Association.

In Relation to Colleagues

12. The teacher does not undermine the confidence of

pupils in other teachers.

13. The teacher criticizes the professional competence or professional reputation of another teacher only in confidence to proper officials and after the other teacher has been informed of the criticism, subject only to Section 24 of the *Teaching Profession Act*.
14. The teacher, when making a report on the professional performance of another teacher, does so in good faith and, prior to submitting the report, provides the teacher with a copy of the report, subject only to Section 24 of the *Teaching Profession Act*.
15. The teacher does not take, because of animosity or for personal advantage, any steps to secure the dismissal of another teacher.
16. The teacher recognizes the duty to protest through proper channels administrative policies and practices which the teacher cannot in conscience accept; and further recognizes that if administration by consent fails, the administrator must adopt a position of authority.
17. The teacher as an administrator provides opportunities for staff members to express their opinions and to bring forth suggestions regarding the administration of the school.

In Relation to the Profession

18. The teacher acts in a manner which maintains the honour and dignity of the profession.
19. The teacher does not engage in activities which adversely affect the quality of the teacher's professional service.

20. The teacher submits to the Association disputes arising from professional relationships with other teachers which cannot be resolved by personal discussion.
21. The teacher makes representations on behalf of the Association or members thereof only when authorized to do so.
22. The teacher accepts that service to the Association is a professional responsibility.

*Items 13 and 14 do not pertain to reporting to the Association on the possible unprofessional conduct of another member. Section 24(3) of the *Teaching Profession Act* requires members to report forthwith to the executive secretary on the unprofessional conduct of another member.

Source. The Alberta Teachers' Association. (2018). *Code of professional conduct*. <https://www.teachers.ab.ca/TheTeachingProfession/ProfessionalConduct/Pages/CodeofProfessionalConduct.aspx>

The organization of the Alberta Teachers' Association code into categories that outline the responsibilities of teachers to pupils, school authorities, colleagues, and to the profession is similar to that found in most codes. Codes of ethics tend to combine general statements of overriding *ideals* and *principles* (e.g., "a teacher's first responsibility is to the pupils in his or her charge") and quite specific *procedures* and *rules* of professional conduct (e.g., reporting suspected child abuse). Provincial teachers' organizations are responsible for enforcing their codes, and for dealing with cases

of unprofessional conduct. While most do not have the authority to withdraw a member's teaching certificate or to remove teachers from their teaching positions, they may reprimand their members, expel them from the organization, and, in the most serious of infractions, recommend to the minister of education that their certification be revoked.

Teachers and Students

The prime responsibility of teachers is the educational well-being of their students. To accomplish this task, the professional teacher creates, along with other educators, an appropriate learning environment for each student that takes into account individual interests, needs, and abilities. This commitment to each student is spelled out in the Alberta Teachers' Association code: "The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice to race, religious beliefs, color, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background". Of course, writing down the obligation is one thing; carrying it out every day in practice, as discussed in earlier chapters, is very difficult.

Professional competence is often recognized by the expectation (1) that teachers will participate in a career-long process of professional development; and (2), in the words of the Alberta Teachers' Association code, that "the teacher protests the assignment of duties for which the teacher is not qualified or conditions which make it difficult to render professional service." The websites of teachers' associations across the nation are listed in Table 9.6.1 for easy access to provincial and territorial codes of professional practice.

Teachers and Colleagues

Professional status requires teachers to respect the expertise of their colleagues, to refrain from acting in ways that undermine professional authority, and to deal with collegial disputes in a professional manner. This means that teachers are expected to follow clearly defined procedures if they wish to criticize the professional activity of a colleague, or if they oppose decisions duly agreed upon by other teachers. Failure to do so could lead to disciplinary action by the appropriate teachers' association.

Whether such regulation of a teacher's criticism of a colleague could be deemed a violation of the teacher's freedom of expression as guaranteed under the *Charter* was a question addressed in a British Columbia court case (*Cromer v. British Columbia Teachers' Federation*). Cromer, a teacher and parent with a child attending a school in the school district in which she worked, attended a parent advisory committee at which concerns were expressed about the sex-education program in which her child was enrolled. At the meeting, she became involved in a heated exchange with her child's teacher in which she made a number of derogatory personal criticisms of the teacher. The teacher complained to the British Columbia Teachers' Federation that this violated its code of ethics, and the BCTF initiated disciplinary proceedings. Cromer maintained that the charge violated her freedom of expression as guaranteed under the *Charter*. However, at trial and on appeal the code of ethics was upheld. The Court of Appeal judge commented:

The code of ethics is designed to avoid disharmony among teaching colleagues, and to promote professional standards, all in the interests of creating an environment where the children being taught will receive the best educational opportunity possible. The code of ethics does not preclude criticism by one teacher of another; it sets out a procedure for making criticism that is intended to increase the

beneficial effects of the criticism and minimize the harmful effects.

Because the criticisms were addressed personally to the teacher and not at the specific subject matter under consideration, the judge concluded:

pinion, the “freedom of expression” guaranteed by the *Canadian Charter of Rights and Freedoms* is capable of overriding cl. 5 of the code of ethics of the British Columbia Teachers’ Federation. To determine whether it does so in any particular case depends on a weighing and balancing of the interests involved, as has always been the case with “freedom of expression” questions. In this case, I do not consider that Mrs. Cromer’s interests in saying what she is alleged to have said were sufficient to override the interests underlying cl. 5 of the code of ethics.

In the case of *British Columbia Teachers ‘ Federation v. British Columbia Public School Employers’ Association*, 2013, the British Columbia Court of Appeal upheld teachers’ freedom to express dissention regarding educational policy. The BCTF initiated a campaign against underfunding of special education, overcrowded classes and school closures, to which employers responded demanding the removal of campaign material. Employers’ rights to demand removal of material was initially upheld by the lower court, but later overturned by the Court of Appeal with the rationale that there was no evidence of harm to children in the material. However, the Court of Appeal did add that teachers’ activism should not turn schools into “political battlegrounds” (Clarke & Trask, 2013; de Britto, 2018).

The Teacher and Authority

As employees in a bureaucratic organization who also see themselves as professionals, teachers often face conflicts between what the organization wishes them to do and what they regard as being the best decision. For example, a teacher may disagree with a particular school policy, may feel that a student has been treated unfairly, or may feel that a curriculum change is not in the best interests of students. Teachers in these situations face difficult dilemmas. To what extent should they publicly express their views? For example, in school climates that are not built on trust and professionalism, a teacher who voices an opinion that is unpopular, either with colleagues or with the school administrator, runs the risk of being penalized in a variety of ways. They may receive a less positive evaluation, may be given a less desirable teaching assignment, or may have a harder time getting resources and support for a favourite course or project. Administrators are in a position to impose such sanctions without ever making it evident that a teacher is being penalized, although one would hope that leaders would not stoop to such tactics. In fact, teachers may often overestimate the likelihood of their being penalized for expressing their ideas.

On the other hand, it is part of one's responsibility as a professional to voice one's views and concerns in an open and constructive manner. The Alberta Teachers' Association code deals explicitly with this by stating: "The teacher as an administrator provides opportunities for staff members to express their opinions and to bring forth suggestions regarding the administration of the school." Surely administrators would want to know if people had serious concerns about their proposals. It cannot be desirable for people to keep quiet in public and grumble in private about decisions. Being a professional carries with it the responsibility to act in the best interests of one's profession, even when there may

be a personal cost involved. All of these points suggest that teachers should be prepared to take a stand on important issues.

It might also be appropriate to reflect on the parallels between teachers and students. If teachers are reluctant, despite the protections of their adult status and their membership in a professional organization, to speak out about their concerns, then much more so are students, who have none of these protections and who are much more vulnerable to coercion and retribution for expressing unpopular opinions. (Chapter Four raised the issue of the school as a democratic community in which it would be desirable to provide vehicles for everyone to express opinions in an open but constructive way.)

As in so many areas, no clear and unambiguous answer to this dilemma is possible. Teachers have to decide what steps seem warranted. Depending on the situation, discretion may or may not be the better part of valour. On occasion, a teacher might consider collective rather than individual action, since acting with colleagues provides both a stronger statement as well as a measure of protection from reprisal. Such decisions are essentially matters of conscience, which is another way of saying there is no formula for resolving them.

The Private Lives of Teachers

The expectations of teachers as professionals do not stop at the entrance to the school. What teachers do in their lives out of school cannot necessarily be deemed irrelevant to their work in the classroom, as clearly illustrated in the highly publicized and precedent-setting case of New Brunswick teacher Malcolm Ross. In 1996, the Supreme Court of Canada ruled that his publication of anti-Semitic books and pamphlets during his off-duty time contributed to a discriminatory and “poisoned” school environment

and required that the school board remove him from any teaching position (*Ross v. New Brunswick S D*, 1996).

There has long been a public expectation in Canada that teachers lead morally exemplary lives. Some codes of ethics have chosen to avoid statements about teachers' private lives. Others articulate a requirement that teachers uphold the professional reputation of their work. For example, the Alberta Teachers' Association code requires that "[t]he teacher acts in a manner which maintains the honour and dignity of the profession" and "does not engage in activities which adversely affect the quality of [their] professional service."

As late as the mid-twentieth century in parts of Canada, teachers could be dismissed for entering a bar or a pool hall, presumably for fear that they would set a bad example for the students in their care. Although standards have changed, teachers' private lives are still sometimes relevant to their employment. Issues of teachers' out-of-school conduct can and do arise in many different contexts. The general standard accepted in law is that private behaviour "not impair one's fitness to teach" (Hurlbert & Hurlbert, 1992, p. 186), but this does not necessarily resolve all the problems. Often the determination of what constitutes that fitness to teach is based on the moral standards of the community of which the teacher is a part. For example, in another well-known precedent-setting case, two teachers' passion for photography outside of the classroom led to their suspension without pay for four weeks (*Shewan & Shewan v. Abbotsford*, 1987). Mr. Shewan submitted a semi-nude photograph of Mrs. Shewan to a "men's" magazine in which it was published as part of an amateur photography feature. The issue that became central to the case was the fact that the photo was accessed by students. In determining the judgment, the position clearly stated by the courts was the following:

Teachers must not only be competent, but they are expected to lead by example. Any loss of confidence or respect will impair the system, and have an adverse effect upon those

who participate in or rely upon it. That is why a teacher must maintain a standard of behaviour which most other citizens need not observe because they do not have such public responsibilities to fulfil. (1987)

Educational law researchers have wondered if the same ruling would be reached in today's courts (MacKenzie, 2016) given that the photo itself was not considered to be pornography – the issue was the effect of the photo on the learning environment. Essentially, court rulings suggest that teachers do have some right to pursue a lifestyle of their choice, provided that their behavior does not have such detrimental effects on students or the school that it impairs the teacher's ability to teach in the school.

The internet has greatly re-shaped teachers' off-duty conduct, particularly related to their engagement with social media. Disciplinary tribunals and judicial decisions make it clear that the fundamental premises of case law found in the Ross case remain for teachers in relation to their conduct in social media. One such case is that of Ontario College of Teachers v. Halliday, in which a teacher attended a "Dirty Disney" party hosted by her roommate. MacKenzie (2016) writes:

[Halliday] exhibited poor judgment insofar as one of the party guests was a student at her school board (although not at the teacher's school); Ms. Halliday and her roommate both knew the student and her family from a local community group. The underage student brought her own alcohol to the party and drank it in the teacher's home, then slept there overnight.

Compounding her misbehaviour, Ms. Halliday posted a picture of herself "dressed in immodest attire as Minnie Mouse, with a cigarette in her mouth and a wine glass in her hand," on her Facebook page – which clearly identified her as a teacher with the Board, right below the picture. Administrators learned of the picture the following day. It is not clear that they would have discovered the teacher's poor

judgment had she not posted the photo online. Ms. Halliday was suspended without pay for 20 days and pleaded guilty to professional misconduct before the College of Teachers.” (pp. 59-60)

Canadians vary widely in the standard of behaviour that they find proper or acceptable, which can create problems for teachers. Even the case of crime is not clear-cut. Teachers in Canada must submit criminal record checks to their employers who determine whether or not the crime is such that it presents a risk to students or others in the school. Generally speaking, a teacher convicted of a crime could be dismissed from his or her job on the grounds that a criminal cannot be a suitable teacher. So could a teacher who was convicted of possessing illegal drugs. But people might well differ over what sorts of crimes merit such punishment. Physical or sexual assault might indicate unsuitability for teaching, but would a conviction for shoplifting also merit dismissal? What about driving offences? What about offences committed many years before the person became a teacher? School district hearings in this regard are considered confidential, but as in the case of teacher conduct outside of school, decisions made in this regard are often viewed through the lens of the values of the local community. To that end, some districts will be more conservative in their rulings than others.

Issues of sexual behaviour are particularly sensitive. One can no longer be dismissed from teaching in Canada on the basis of sexual identity. On the other hand, Catholic school boards in Canada have dismissed teachers who were divorced or who otherwise violated Catholic religious teaching, and these dismissals have been upheld by the courts. The conflict between the public's expectations of teachers and teachers' right to lead private lives of their own choosing makes it likely that other such cases will end up before the courts.

9.6 Teacher's Associations

Provincial teachers' associations exist in all of Canada's provinces and territories. In most cases, a single association represents the public school teachers of the province or territory; only New Brunswick, Quebec, and Ontario have more than one association. (See Table 9.6.1 for a list of associations).

Teacher associations are unions for purposes of labour relations such as collective bargaining, but in addition they perform a wide range of activities related to the well-being of their membership in particular, and to the provision and improvement of public schooling in general. Among the functions of teachers' associations are: (1) professional-development activities for their membership, in the form of seminars, conferences, and workshops; (2) member welfare supports, such as counselling on personal health issues; (3) legal and professional advice to members on such matters as contractual rights and employee relationships; and (4) lobbying and consultation activities with governments and other educational stakeholders to promote both the interests of their members and the health of the public school system. However collective bargaining on behalf of their membership is generally considered the most important function of teachers' associations.

Teacher unions were developed in the first part of the twentieth century to improve teachers' pay and working conditions. Prior to the development of teacher unions and collective agreements, teachers could be and were fired at the whim of their employers – for example female teachers were sometimes fired for getting married. Teachers had no say in their own pay; male teachers earned more than female teachers doing the same job until that practice was stopped through collective bargaining. During the depression of the 1930s, teachers in some places were required to bid for their own jobs each year, getting less and less pay for the same work. Many of the rights discussed earlier, such as the right

to voice one's opinion or the right to a fair evaluation only exist because teacher unions fought for them.

Despite these important accomplishments, in recent years there has been a concerted attack on teacher unions, claiming that they interfere with effective education and get in the way of removing incompetent teachers. Many states in the United States do not allow collective bargaining by teachers and the same suggestion has been made in Canada. These criticisms are part of a general move to reduce the extent and influence of unions in Canadian life.

Like school districts or governments, teacher unions are not perfect organizations. They face internal conflicts between the conflicting views of members. For example, a collective agreement may accept less desirable working conditions for younger teachers in order to preserve the benefits of the majority of older members.

However, it is important to remember the vital benefits for teachers that exist because of the work of unions. Where there are no teacher unions, pay is lower, working conditions are worse, benefits are fewer, and as a result it is harder to attract skilled people into teaching or to keep them there. In fact, virtually all the strongest education systems in the world have strong teacher unions because when teachers form powerful advocacy groups, they also work for things that benefit students. Teachers should certainly be seeking ways to make their unions better organizations, but the evidence shows that getting rid of unions would lead to a worse situation for students as well as teachers.

Most principals and vice-principals in Canada belong to teachers' organizations. Although they may have their own subgroup within these organizations (e.g., the Manitoba Council of School Leaders), they have traditionally seen themselves primarily as teachers who share common professional interests with their colleagues. However, this relationship is not without its ambiguities, since principals are also expected to be management representatives in their schools.

In Quebec, Ontario and British Columbia principals are prevented by law from being members of teachers' organizations. In these

provinces, school administrators have their own provincial organizations. In Quebec, this organization has been long established, while in British Columbia the split from the teachers' federation occurred in 1987 as part of the legislation that established the British Columbia College of Teachers (Robinson & Wallin, 1989). In Ontario principals were removed from the bargaining unit by provincial law in the late 1990s.

Recently, there has been much more debate around whether administrators should remain “in scope” or “out of scope” of teachers' organizations. The arguments to remain in scope include the fact that most administrators are teachers, are affected by many of the same issues as teachers, and therefore should be entitled to the same protections. Also, keeping administrators in teacher unions emphasizes their common interests rather than pitting them against each other. The argument for exclusion revolves around the nature of principals' role as managers of work and evaluators of teachers, so that when conflicts arise, very often they pit administrators against teachers (for example, dismissal proceedings). The question then becomes, which “teacher member” does the association protect?

Table 9.6.1

Canada's Provincial and Territorial Teacher Association

Provincial and Territorial Teacher Associations	Province or Territory	Association	Website
	Yukon	Yukon Teachers' Association	www.yta.yk.ca
	Northwest Territories	Northwest Territories Teachers' Association	www.nwtta.nt.ca
	Nunavut	Nunavut Teachers' Association	www.ntanu.ca
	British Columbia	British Columbia Teachers' Federation	www.bctf.ca
	Alberta	Alberta Teachers' Association	www.teachers.ab.ca
	Saskatchewan	Saskatchewan Teachers' Federation	www.stf.sk.ca
	Manitoba	Manitoba Teachers' Society	www.mbteach.org
	Ontario	Elementary Teachers Federation of Ontario	www.etfo.ca
		Ontario Secondary School Teachers' Federation	www.osstf.on.ca
		Ontario English Catholic Teachers' Association	www.catholicteachers.ca
		L'Association des enseignantes et des enseignants franco-Ontariens	www.aefo.on.ca/
	Quebec	Quebec Provincial Association of Teachers/	www.qpat-apeq.qc.ca
		Centrale de l'enseignement du Québec	

Provincial College of Teachers	New Brunswick	New Brunswick Teachers' Federation	www.nbtffenb.ca
		New Brunswick Teachers' Association	www.nbta.ca
		L'Association des enseignantes et des enseignants francophone du Nouveau-Brunswick	www.aefnb.ca
	Nova Scotia	Nova Scotia Teachers' Union	www.nstu.ca
	Prince Edward Island	Prince Edward Island Teachers' Federation	www.peitf.com
	Newfoundland and Labrador	Newfoundland and Labrador Teachers' Association	www.nlta.nl.ca
	Ontario	Ontario College of Teachers	www.oct.ca

9.7 Collective Bargaining

A major function of teachers' associations has been the negotiation of collective agreements with the employer that outline the conditions of employment for their members. A collective agreement is a legal agreement between a group of workers or employees, who have organized themselves into a union or bargaining unit, and their employer. The bargaining unit must be formally organized according to relevant provincial labour laws. It then elects or otherwise chooses a team or committee to represent its members in negotiating a contract with the employer.

Although collective bargaining by teachers takes place in all the provinces, the procedure assumes various forms and is covered by different legislative provisions. An account of these provisions is provided in Slinn and Sweetman's 2012 edited collection *Dynamic negotiations: Teacher labour relations in Canadian elementary and secondary education* as well as the Canadian Teachers' Federation publication, *Where education and legislation meet: Teacher collective bargaining in Canada* (Hanson, 2013). All but three provinces have enacted collective bargaining legislation that is specific to teachers. Bargaining in New Brunswick is regulated by general public-sector bargaining legislation; in Alberta and British Columbia, it is regulated by general labour legislation. Provinces like Manitoba and Ontario utilize a combination of general labour legislation and specific education provisions.

Table 9.7.1 shows that collective bargaining also varies across provinces in terms of the level at which bargaining actually occurs. In some cases, all negotiations occur centrally, and agreements affect all teachers in the province; in others, bargaining is a purely local activity between school boards and the local bargaining unit. A third version, generally referred to as two-tier, or two-table, bargaining, sees major cost items (primarily salaries and main

benefits) addressed provincially and organizational matters at the local level.

Salaries and benefits represent a major component of all collective agreements, although by no means the only one. Procedures for laying off teachers are also included in collective agreements. Teacher layoffs have occurred, particularly in districts with significant declines in enrolment. In such cases, contracts usually provide that laid-off teachers have the first rights to any vacancies that may arise. Collective agreements may have very complicated provisions regarding the basis for layoffs and recalls, particularly concerning the extent to which seniority will apply in determining who will lose jobs, and the procedures to be followed. There may also be some modifications of seniority arrangements to accommodate specialists in particular subjects.

Working conditions provide a third area of concern in collective agreements. A wide range of matters may be specified, including maximum limits on a teacher's teaching time, maximum class sizes, and minimum amounts of preparation time during the day or week. In some provinces, collective agreements may require teachers to have an uninterrupted lunch hour. Some collective agreements also contain clauses that spell out teachers' responsibilities for supervising students on playgrounds or in other settings outside the classroom.

Finally, collective agreements may contain clauses having to do with the union, the employer, and the bargaining process. Most agreements, for example, recognize the particular teachers' association as the sole bargaining agent for teachers, and require teachers either to belong to the association or to pay fees to it even if they do not belong. Agreements also have provisions for settling disputes that may arise while the agreement is in force. If a member of the bargaining unit feels that the agreement has been violated, the association may file a grievance. The collective agreement lays out the steps that must be followed to resolve the grievance, with the final step usually being binding arbitration by a third party. The arbitration process can be very expensive, however, because of the

cost of lawyers for each side, there is an incentive for both the union and the employers to settle grievances without arbitration.

Collective Bargaining Procedures

Provinces have legislated different processes for collective bargaining between teachers and employers. Collective agreements are negotiated to be valid for a specified period of time (typically one to three years), at the end of which they must be renegotiated. While many items may stay the same from one contract to the next, others are subject to negotiation and change. Teachers' associations normally try to improve salaries and benefits in each round of bargaining, while school boards and provincial governments try to limit salary increases and maintain control of working condition issues outside the collective agreement, so as to have more freedom to arrange things as they see fit in light of public pressures and interests.

When the two sides in the bargaining process appear unable to come to an agreement in contract talks, collective bargaining legislation usually provides for a number of outside interventions to facilitate an agreement. These may include fact-finding, mediation or conciliation, arbitration, binding arbitration, and final offer selection. The first two of these are voluntary. *Fact-finding* is a process in which a neutral third-party studies each side's position and issues a report outlining his or her view of the issues involved. This report is for information only. *Mediation* (sometimes called conciliation) involves having a third party meet with the two sides, either separately or together, to try to help them work out a solution. The parties do not have to listen to the mediator, but sometimes an outside person can cut through the bad feelings and suspicions separating the two sides.

In contrast, *arbitration* involves a process whereby the two sides select a third person (or persons) to settle the dispute for them.

The arbitrator listens to both sides and then makes a decision as to what should be in the contract. Both sides, if they agree to arbitration in the first place, must accept the arbitrator's decision, no matter what it is. *Final offer selection* is a form of arbitration in which the arbitrator must pick the position of one side or the other in its entirety. The idea behind final offer selection, which remains a controversial practice, is that each side must put forward as reasonable a package as it can; if it is unreasonable, the arbitrator will select the other side's proposals entirely.

Collective bargaining can also involve the use of sanctions by either side if a collective agreement expires without a new one being signed. Teachers can engage in what is called *work to rule*, which means that teachers will withdraw all those services, such as coaching or other extra-curricular activities, that are not required in the collective agreement. Employers are entitled to *lock out* teachers or other bargaining groups, which simply means that they close the schools and stop paying salaries until the dispute is settled. Finally, employees can withdraw their services (*strike*) in an attempt to force their employer to come to an acceptable agreement with them. Even though most provinces do allow teachers to strike as part of the collective bargaining process, strike action by teachers remains a controversial issue that tends to generate fierce discussion within the profession and in the public. For some teachers, strike action and its impact on children's education remains incompatible with their vision of teaching as a profession committed first and foremost to the well-being of their students. Conversely, others argue that it is precisely because they are committed to the well-being of their students that they must use all options available to them to ensure effective working conditions and salaries that will attract and retain good teachers. Despite the controversy, as long as teachers constitute an employee group whose wages and working conditions are set through collective bargaining, strikes are likely to continue as part of the bargaining process.

In recent years, several provincial governments have attempted

to intervene in the collective bargaining process through legislation. These actions have led to successful court challenges from teacher associations and other unions arguing that such action is an infringement of the freedom of association guaranteed in Section 2 of the *Canadian Charter of Rights and Freedoms*. Areas of intervention have included working conditions as well as salaries. In 2016 the British Columbia Teachers Federation (BCTF) won a landmark court ruling when the Supreme Court of Canada ruled that legislation that removed BCTF's ability to negotiate class size and composition as part of working conditions was a violation of teachers' constitutional rights of association (Axelrod, 2017).

Nova Scotia, Ontario, and Manitoba governments have all introduced legislation in the last six years imposing multi-year wage settlements and/or wage freezes on public sector employees. In each case teacher federations have been active in challenging the constitutionality of the legislation. In June 2020, a Manitoba Court of Queen's Bench ruled that the Manitoba legislation substantially interfered with the collective bargaining process and violated associational rights (Rachel Cardozo, August 12, 2020). It further ruled that the government's case could not be rescued by the "reasonable limits" provisions of Section 1 of the *Charter*. The ruling is being appealed, and a final ruling on each of these challenges may have to come from the Supreme Court of Canada.

Table 9.7.1

Canadian Provincial Collective Bargaining Structures

Province	Bargaining Structure	Teachers Bargaining Agent(s)	Employer Bargaining Agent	Principals and Vice-principals in Unit	Final Dispute Resolution Mechanism
British Columbia	Two-tier	British Columbia Teachers' Federation	British Columbia Public School Employers Association	No	Strike subject to essential services designation
Alberta	Two-tier	Alberta Teachers Association	Teachers Employer Bargaining Association; School Boards	Yes	Strike
Saskatchewan	Two-tier	Saskatchewan Teachers' Federation Committee; Affiliates	Provincial Bargaining Committee; School Boards	Yes	Strike
Manitoba*	Provincial	Manitoba Teachers' Society; Affiliates	School Boards	No	Binding Arbitration
Ontario	Two-tier	Elementary Teachers' Federation of Ontario; Ontario Secondary Teachers' Federation; Ontario English Catholic Teachers' Association; l'Association des enseignantes et des enseignants franco-ontariens	Government of Ontario; Council of Trustees Association; School Boards	Yes	Strike
Quebec	Three-tier – Central, Sectorial, and Local	Quebec Provincial Association of Teachers; Federation des syndicats des l'enseignement; Local and regional affiliates	Provincial Negotiating Committee	No	Strike

New Brunswick	Provincial	New Brunswick Teachers' Association	Treasury Board	Yes	Strikes strikes lockouts articles collective agreements
Nova Scotia	Two-tier	Nova Scotia Teachers' Union	Minister of Education and Early Childhood Development	No	Strikes No strikes lockouts articles collective agreements
Prince Edward Island	Provincial	Prince Edward Island Teachers' Federation	Education Negotiating Agency	Yes	Binding Arbitration
Newfoundland and Labrador	Provincial	Newfoundland and Labrador Teachers' Association	Treasury Board and Newfoundland and Labrador School Boards Association	Yes	Binding Arbitration
Yukon	Territorial	Yukon Teachers' Association	The Government of Yukon	Yes	Strikes No strikes lockouts articles collective agreements
Northwest Territories	Territorial	Northwest Territories Teachers' Association	Minister of Human Resources; Yellowknife Board of Education; Yellowknife Public Denominational District Education Authority (Catholic Schools)	Yes	Strikes
Nunavut	Territorial	Nunavut Teachers' Association	Minister Responsible for the Nunavut Public Services Act		Strikes

Source. Adapted from Slinn & Sweetman (2012) (pp. 48-49), and from Hanson (2013).

9.8 Conclusion

The purpose of discussing the professional status of teaching in Canada is not to establish a prescribed list of professional characteristics against which teaching must be ranked or to which it must aspire. Nor is it to make a self-interested case for teachers to be accorded greater status as professionals by society. Public school teaching shares certain characteristics with other professions and differs markedly in other ways. An examination of these similarities and differences can offer insights into the unique characteristics of teaching as an essential and basically moral public service (professional or otherwise), and into the expectations and demands those characteristics make of teachers.

Codes of conduct adopted by teachers' organizations provide a framework for defining appropriate behaviour for teachers, but as the prologue to this chapter suggested, there may be quite different ways for a teacher to act as a professional. And no matter what steps teachers themselves take, their status is in large measure shaped by others, especially provincial governments, whose actions they cannot control. In defining and pursuing avenues of professionalism, teachers' organizations, whether they are regarded as professional associations or as unions, provide across Canada a strong and important structure for representing teachers' interests and for promoting public education in Canada.

Exercises

1. Consider the four definitions of a profession given in Box 9.1.1. Which definition do you prefer? Why? How well does teaching fit your chosen definition?
2. Review the code of ethics for teachers in your province. Do you see any problems or inconsistencies in the code? If so, what are they and how might they be resolved?
3. Interview one or two teachers about important ethical conflicts they have faced. (You will need to ensure that these discussions occur in a way that protects the confidentiality of all those involved). How did the teachers resolve the conflicts they faced? Can you think of other ways they might have acted?
4. A fellow teacher is using teaching practices you consider inappropriate, even unethical. What might you do? Assuming that you refer the matter to your principal, what if they refuse to take any action?
5. School principals and vice-principals usually strive to develop strong collegial ties with the teachers on their staff. Yet school boards expect them to represent the board's management interests within their schools. Given these competing pressures, should principals and vice-principals be allowed to be members of provincial teachers' organizations, or should they have their own autonomous professional organizations?
6. Contact your provincial teachers' association for

information on the range of activities and services it sponsors. How many staff are employed by the association? What is its annual budget?

7. Write a description of the collective bargaining process in your province. Who is involved? What steps occur? What mechanisms exist to resolve disputes?
8. Obtain a collective agreement for teachers in your province. What are the main provisions in the agreement? Are there any provisions you find surprising?

CHAPTER TEN: PROSPECTS FOR EDUCATION

10.1 Prologue

“Well, I’ve finished my first year of teaching, and I’ve accomplished my two main goals. I’m still alive, and I’m not going to be fired.” Toni grinned at Aaron across their coffees. The school year had just ended, and this would be the last of their meetings until the fall. She had found their get-togethers every few weeks tremendously helpful because she got a chance to talk about her own feelings and frustrations about teaching, and she also learned from listening to her colleague talk about his successes and tribulations. Their support for each other had helped both of them make it through their first year of teaching.

“I’m like you,” Aaron replied. “Early in the year I re-adjusted my expectations as to what I could accomplish. I realized that it would be hard enough just to do what was required, without getting overly ambitious. But I have to say that by the spring I was feeling much more comfortable and started to experiment with a few things. And I’m really looking forward to September. This year I just know I’ll be a lot more comfortable, and much more able to do the sorts of things I want in my class—things that are good for kids.”

“I agree. I do feel much better than I did in October.” Toni paused. “But you know, I’m not really sure whether I’ll stay in teaching for too many years.”

“Why is that?” Aaron asked. “After all the work of getting through university, you want to give it up?”

“I’m a person who has high standards, Aaron,” she replied. “I put a lot of effort into the things I do, and I want the

results to reflect that. I worked really hard this year, and I think I did a pretty good job. But it wasn't as good a job as I wanted to do. Teaching just seems to have so many constraints, and you have to make so many compromises. There's so much stuff to do that gets in the way of what I think is really important. Just getting permission to have a field trip can take weeks of time, never mind actually organizing the trip. I'm filling in reports when I should be thinking about the next day's or week's classes. There are too many kids who seem to be underserved. The ones who are really quiet, and even the ones who cause me so much aggravation—I really feel I could reach them if I had more time or fewer students. There are so many things happening in kids' lives that the school can't or won't affect. They're having to cope with tremendous changes all around them while we're teaching topics like alliteration or photosynthesis. Just this past week I had another student whose parents are separating. How do I tell her just to put it aside and concentrate on her math? Sometimes I wonder if schools will ever be really educational places."

"I suppose no institution or job is perfect," Aaron said. "I can see all kinds of ways schools could be better, and all kinds of ways I could be a better teacher, too. I think that's part of our responsibility—not just to work in our own classrooms, but also to try to be part of larger-scale improvements as well. In our school, the parent organization has really been working hard this year. At first there was quite a bit of friction with the staff, and we were nervous about what they would want us to do. They had a strong desire to have a better sense of how well kids were doing, which we thought meant they wanted lots of standardized testing. Over the course of a few meetings, we

began to realize that they had a legitimate interest in finding out what kids were learning, and they realized that our concerns about standardized testing weren't just self-protective. Now we've got a set of ideas about how we can give parents and the community more information about students' achievement, and they have a better idea of what some of the limits on that information are. Of course, that wasn't easy to do, but the result will be worth the effort.

"I guess that's how I feel about lots of aspects of being a teacher," he continued. "There's tons of work, but don't you feel that the challenge is an exciting one? Besides, you have so much talent at teaching that it would be a tremendous loss if you stopped."

"Well, I'm not ready to quit yet. I'm planning to give it another couple of years before I decide. For one thing, I really enjoy being around the kids; most of them are great. It's exciting to see them getting turned on by learning. And I'm excited about our new principal, who said some good things at our last staff meeting about plans for next year. It sounds as if she wants to get teachers much more involved in curriculum decisions, and work on within-grade and cross-grade inquiry projects. She's asked for our ideas about possible improvements. Naturally I have a long list, although I think I'll give her a chance to catch her breath before I throw them at her, especially since I'm only finishing my first year. I don't know where I'll get the time to do these things, but it would sure be exciting if I could be the kind of teacher I want to be and have the support of the school."

"That's the great thing about teaching," Aaron laughed. "There's always plenty of room for improvement."

The first nine chapters of this book have taken readers on a whirlwind tour of the organization and functioning of Canadian schools and have attempted to review some of the main features and dynamics of the education system. We began Chapter One by saying that changes in Canadian society require not only, that educators understand the organization of schools as they exist in Canada, but also that we scrutinize it critically and ask questions about how they might be otherwise. Throughout the other chapters, we have tried to point out some of the constraints and opportunities of current forms of school organization, and to also draw attention to the tensions and dilemmas inherent in schooling.

This final chapter focuses briefly on the prospects for schooling in the future. It considers some of the forces and pressures on schools in Canada that are likely to be present over the next few years, and some of the responses that schools are trying to make.

10.2 Pressures on Canadian Schools

Schools, whether in Canada or in other countries, have always been subject to considerable amounts of criticism. One can find complaints about the declining quality of education going back to the ancient Greeks, and in almost every generation since then. After all, expectations for public education are very high. People expect schools to do countless things, as was seen in our initial discussion in Chapter One of the goals of schools and the education system. Imparting knowledge is an important and primary purpose, but schools are also expected to teach dispositions, knowledge, and skills for a whole range of areas. In a sense, schools are expected to help everyone grow into the best possible version of themselves—a tall order indeed!

Over time, Canada has seen a great deal of debate about the quality, equality, and the costs of education and the need for improvement in schools. Some critics have complained about what they see as high drop-out rates, an unchallenging curriculum, and under-performance by Canadian students on international tests. Much attention has focused on the growing importance of education for economic success and the need for better outcomes in the light of growing international competition for jobs and wealth. A different set of criticisms challenge public schools to live up to its ideal of inclusion and to address with some urgency systemic discrimination and human rights concerns. An emerging set of criticisms of schools relate to the very limited ways in which schools engage with the environmental crises that threatens the globe. A fourth broad set of concerns, taken up in Chapter Five, hinge around how schools should be funded and whether schools are currently appropriately funded.

Calls for change reflect both the diversity of people's goals for,

and interests in, schools and the fact that schools are public institutions embedded in a larger social, economic, ecological, and political context that is constantly impacting on the realities of life in schools.

10.3 The Impact of Social Change on Schools

While immediate changes in education policy tend to get a great deal of attention, many of the most important influences on schooling come from larger and longer-term shifts in Canada and the world. As noted at the beginning of this book, educational changes in Canada are increasingly linked to changes in demographics, economics, social structure, and technology. Schools are strongly affected by these larger societal shifts, as can be seen by looking briefly at just a few of them.

Demographics

Demographics can be defined as the composition of a population, including such factors as age, sex, marital status, ethnicity, and so on. Several demographic changes in Canadian society have had, and continue to have, important implications for schools. Particularly important among these are the number of people with school-age children, changes in the structure of families, and changes in, and recognition of the identity composition of Canadian society.

The population statistics of schools across Canada has been discussed in Chapters 2, 5, and 6. Demographic changes are important not simply because of increasing or declining numbers of students in classrooms. It is also the case that these numbers are linked to the proportion of adults who have direct contact with schools. In addition, over the last three decades, an aging population has resulted in greater pressures being placed on governments to provide other kinds of public services, such as personal-care homes, health care, and pensions. Schools rely on

the political constituencies most likely to support spending on schools—parents. Their presence (or absence) can impact the importance that is placed on Pre-K-12 education.

Teachers are also very aware of the changing structure of families. There are now fewer children in most families, which may significantly change the ways in which parents interact with their children. Although the stereotypical, nuclear family of father, mother, and two children was never as typical as some textbooks suggested, it has become steadily less typical. The 2016 census reported, for example, that more than 24% of all families are single-parent families, and 80% of those single parent families are headed by women (Statistics Canada, 2016). These facts do not necessarily alter the basic purposes of public education, but they can have important implications for the provision of effective, high-quality schooling.

Another important feature of demographic change in Canada has to do with the increasing diversity of the school population and their families in Canada. Many classrooms are much more heterogeneous today, in terms of ethnicity, prior achievement, attitude toward school, and other factors. Consider two aspects of this increasing diversity. Rates of natural increase among Canada's Indigenous populations are higher than the population as a whole and the Indigenous population is also considerably younger, on average, than the non-Aboriginal population. This means that an increasing proportion of students in Canadian schools, especially in western and northern Canada, will be Indigenous, which has important implications for curricula, teacher recruitment, preparation, and development, school governance, and a host of other aspects of schooling.

In addition, Canadian immigration patterns have changed. Teachers, especially in urban schools, may have substantial numbers of students whose first language is not English or French, whose parents are from diverse cultures, and some of whom will be from war-affected countries who may have experienced trauma and considerable disruption to their schooling. Schools must ensure

that teachers create inclusive classroom spaces for all learners. Cultural diversity also creates new expectations for schools in their dealings with parents and communities whose values may be quite different from those traditionally espoused by the school. For example, some Muslim or African-Canadian or Indigenous parents may be interested in programming, religious or traditional spiritual practices, or even separate schools for their children in order to support their cultural and religious identity. A number of these sorts of programs are already in place in various Canadian cities. The charged debate about funding of private schools is also partly related to issues of diversity as ethnic or religious groups look for schooling opportunities for their children.

Another example of demographic diversity around which schools have increasingly developed policy, practices and programming has to do with sexual identity. Over the last twenty years there has been increasing recognition, in practice and in law, of the equality rights of lesbian, gay, bi-sexual, transgender, queer, inter-sex and two-spirit (LGBTQI2S+) individuals. Current evidence is that LGBTQI2S+ students continue to face harassment, bullying and discrimination in schools, with much higher rates of depression and attempted suicide. Schools are making efforts to serve gender non-conforming students more effectively, but much remains to be done. The achievement of equity amid the growing diversity of students is an important goal, but it certainly has not yet been achieved in the Canadian experience.

Economic and Labour Force Changes

The last few decades in Canada have generally not been a period of economic optimism. There is much talk about global competitiveness, about the dangers to our standard of living, about the finite nature of our natural resources, and about climate change

and loss of eco-diversity. Thousands of jobs are lost, entire industries disappear, and people go through wrenching changes as part of what is called “global economic restructuring”. Much of the criticism of schools, not only in Canada but also in many other countries, is related to fear that each country will suffer economically unless it can create and maintain very high education levels. Whether these fears are accurate is, however, debatable.

One assumption often made about schools is that increasing the education level of the population will result in economic growth. Education is an important element in a country’s economic development, but it is only one element. The economy must also be able to provide jobs for educated people. At various times in recent years, unemployment in Canada has been high, especially among young people, including those with a good education. In addition, many Canadian workers report that they are underemployed—that is, they have more skills than are required in their job (McCrate et al., 2020). This is especially the case in Canada for racialized people, immigrants, and people with disabilities (Ng & Gagnon, 2020; Tompa et al., 2020). In some areas, demand has exceeded the supply of people with appropriate training, but in other areas—including law, advanced science, and, at times, engineering, nursing, and teaching—the supply has exceeded the demand, leaving highly educated people unemployed or underemployed, and prompting some of them to emigrate. These shifts can take place fairly rapidly, so that the surplus of nurses and teachers that Canada was experiencing in the 1990s turned into a shortage in the year 2005, and again in 2016. The rate reduced by 2020, though underemployment of first year teachers in Ontario, for example, soared to 35% due to COVID-19. Young people may have left their home province or country because there was no work, yet now there are jobs going unfilled in these same occupations.

Direct job skills are not the entire picture. Schools are also frequently told by employers that students need to learn to be punctual, polite, independent, and reliable as well as creative and entrepreneurial – things that are often called “21st century skills” or

“soft skills.” Indeed, schools justify some of their discipline practices by referring to labour force demands. Currently, there is much discussion on skills development and micro-credentialling, which is a means to further delineate credentials beyond what has typically been considered as the norm (diplomas, certificates, and degrees). The Conference Board of Canada developed an “employability skills profile” that focuses on three sets of skills: fundamental skills such as communicating, managing information, and problem-solving; personal management skills such as responsibility and ongoing learning; and teamwork skills (Conference Board, 2000, <http://www.conferenceboard.ca/topics/education/learning-tools/employability-skills.aspx>). This list is quite different from the standard high-school curriculum.

Although preparation for work is by no means the only task of schools, it is certainly a major expectation, and one that is held strongly by students. Schools have long been criticized for failing to pay enough attention to the large proportion of students who do not proceed to postsecondary education. Current knowledge does not clarify how schools can best discharge this responsibility. Should schools put more emphasis on preparing for work through vocational programs or co-op education? Or is this the responsibility of employers? Is the best strategy to provide an overall grounding in many areas, without much specialization in any, in the belief that this will give students the most flexibility? The answers are not obvious. Does education have the most impact on helping people get a job, or on helping them do the job once obtained? Or does formal education help people learn on the job, suggesting an emphasis on “learning to learn” rather than on particular skills? Given the complexities at play, we should be wary of glib answers to these questions.

Poverty

One of the most powerful, yet often neglected, influences on schooling is poverty. Family income is currently a very strong predictor of how well children will do in school. A great deal of research shows that poverty across Canada is related to lower achievement in school, to a greater risk of dropping out, and to lower eventual occupational status and income (Glaze et al., 2012). Completing high school and going on to postsecondary education in Canada are highly related to the education and income of parents; the higher one's parents' income, the more likely one is to finish high school and attend university. These relationships are at least as strong as the relationship between measured ability and achievement.

Poverty has always been an issue in Canada, as the data on family incomes provided in Chapters Five and Eight illustrate. Over the past decade, the proportion of Canadian children under 16 who live in low-income families has fluctuated between 15 percent and 22 percent, with up to 1.35 million children, or 1 in 5, living in poverty. Rates are much higher for children of Indigenous heritage, up to 53% on-reserve (Campaign, 2000, 2020). The report notes that only 12 per cent of non-Indigenous, non-immigrant, non-racialized children live in poverty.

Child poverty is also related to lone parent families. As noted earlier, female lone parents carry more of the financial responsibility for children while still facing major inequities in pay and work benefits, frequent difficulty in accessing child support, and a shortage of quality, affordable day care. Increasing child poverty is also related to higher levels of unemployment, and the decline in the availability and value of social supports such as employment insurance and social assistance.

Poverty creates many problems for schools as they are currently structured. As discussed in Chapter Eight, students may come to school with fewer of the skills that the school expects. Students may

be preoccupied with physical and emotional needs, making it more difficult for them to concentrate on academic tasks. It may, as well, be harder for students to see the relevance of schooling in their lives when they live with so much hardship and success seems a distant possibility.

Educators and policymakers must ensure that their assumptions about the effects of poverty do not become self-fulfilling prophecies that perpetuate inequity. Because poverty tends to be concentrated geographically, some schools have large numbers of students from low-income families while others have few or none; this increases the danger that schools may be stratified along socioeconomic status lines (Silver, 2014). There is evidence that education programs and instructional practices can result in increased success rates for students (Glaze et al., 2012; Hirn et al., 2018). In particular, success has come from efforts such as programs that help parents provide educational support to their children, school programs that stress high expectations while providing high levels of support, and when schools recognize and build on the strengths and resources that exist in all communities.

Technology and Schools

Changes in technology are among the most apparent changes in Canadian society. When public schools first began, print was the only information technology available. Teachers either spoke to students or the students read. Today, students have access to a huge range of learning resources on the internet, and more and more of these resources are in video or audio rather than in text. Video differs greatly from text: it is regarded as more emotional, more wide-ranging, less subtle, and more immediate in its impact. Many students are intimately acquainted with these new technologies.

Digital technologies have not only provided vastly increased

access to information, but they also change the way in which people handle and store information. The development of learning management system software has provided opportunities to create online classroom spaces that can be delivered in a group or individual fashion, synchronously or asynchronously from almost anywhere in the world. These technologies have also increased dramatically the social nature of learning, as they allow users to work together and communicate with each other, though as we have seen during the pandemic, this cannot replace the kind of social connection evident in face-to-face learning environments. The rise of social media has changed the way people interact as well as with whom they interact. While results include worries about student cyber bullying and student ‘cheating’, a much more important implication is that intellectual work is more social and less individual.

However, the impact of information technology on schools is still very much in doubt. There have been fifty years of predictions that technology would revolutionize schooling, yet there was little evidence that any such revolution, or even dramatic change, would take place prior to the pandemic. The pandemic forced schools to engage in technology-enhanced learning, and to all accounts, it has had mixed success. Many teachers were forced to learn how to engage with learning management systems and design online learning materials almost overnight. Very little professional development was put in place to support them as they were called on to enact these tools. The engagement was also quite haphazard as schools would open and close (and therefore move online or not) as outbreaks occurred in schools. Families often did not have enough computers to serve the needs of all children in their families, and there was little to no support for them to learn how to engage, participate, or help manage their children’s learning from home. As the “experiment” rolled on, it became clear that teachers, students, and families had needs outside of learning that needed to be addressed (child-care, mental health, and wellness, etc.). Although the effort was made, what is clear is that there are great

concerns about the quality of learning that was achieved in completely online learning environments, and that there are academic, social, emotional, physical costs associated with a lack of face-to-face instruction. There were also many positive outcomes of the increased use of technology-enhanced learning environments. The fears associated with online or blended learning were reduced, skills in use of online pedagogies and learning platforms improved significantly, access to educational services was greatly increased for some students who otherwise had limited access to diverse learning opportunities, and the understanding of the potentials for technology-enhanced learning to support more flexible learning arrangements will no doubt continue to (re)shape the delivery of educational services.

Sustainability

A major concern with which schools are engaged more than they have ever been in our history is related to issues of sustainability. Often this is related to environmental sustainability whereby curricular documents, school programs, clubs and even school facilities have become more conscious of our carbon imprint on the world and the effects of climate change on the human and non-human world. In 2015, the United Nations published *Transforming our World: The 2030 Agenda for Sustainable Development* that outlined 17 sustainable development goals that are intended to stimulate action for “people, planet and prosperity” (p. 5) through peaceful and inclusive partnerships. As part of this agenda, UNESCO has created a plethora of resources to support Education for Sustainable Development (ESD) in the areas of climate change, environmental degradation, loss of biodiversity, poverty, and inequality. Its guiding document, *Education for Sustainable Development: A Roadmap* (2020) offers priority action areas to

address sustainability concerns that includes advancing policy, transforming learning environments, building educator capacities, empowering, and mobilizing youth, and accelerating local level actions. In its introduction, the document makes clear the critical need for ESD:

For our very own survival, we must learn to live together sustainably on this planet. We must change the way we think and act as individuals and societies. So, in turn, education must change to create a peaceful and sustainable world for the survival and prosperity of current and future generations. (p. iii)

In order to achieve these aims, the roadmap offers strategies for implementation of ESD that include focusing on country-level implementation, harnessing partnerships, communicating for action, tracking issues and trends, mobilizing resources, monitoring progress, and long-term planning.

To conclude this discussion of some of the many changes affecting schooling, it is important to point out that the changes are themselves interrelated. For analytic purposes, it is helpful to separate economic change from demographic change or technological change. In reality, change in one sphere reverberates through all other spheres. Changing employment patterns affect incomes and family living arrangements, which in turn affect children's school experience, which affects the economy, which in turn may affect sustainability concerns, and so on. It is increasingly clear that children's early experiences, especially from conception to age three or so, have powerful effects on their later school careers, but early childhood is itself shaped by parents' occupation, income, health, and environmental impact. The relationships are intricate and immensely complicated. As well, the major institutions of society are linked in many ways. Schools are affected by a whole array of political decisions made by governments.

10.4 A Changing Canada, Changing Schools: A Brief Examination of Recent Developments in Public Schooling - Trends and Trajectories

The preceding chapters of this book have drawn attention to a variety of recent changes across a wide range of public school structures and practices – some common to all or most provinces and some more limited to only a few or a single jurisdiction. Given the constitutional designation of individual provinces as the primary authorities for education decision-making outlined in Chapter 2 and the complexities of the education policy development process described in Chapter 3 and elsewhere, any attempt to provide a definitive and comprehensive account of recent developments in Canadian public schooling is likely to be at best partial. To go further to try to predict the trajectories of future changes even more tentative. With this in mind, we suggest here that it is possible, and necessary, to recognize some major patterns of recent developments in Canadian public schooling. We focus on two major patterns—a neoliberal turn in public education, and an attendant (sometimes parallel, sometimes resistant), turn towards equity, diversity, and inclusion.

A Neoliberal Turn in Public Education

Since the end of World War II, Canadian public policies have been largely framed by one of two dominant political-economic ideologies: a Keynesian economic welfare state model that underpinned national policies throughout the third quarter of the twentieth century; and neoliberalism that has become prominent since the 1980s. Central to the social democratic model of the welfare state developed in Canada, and much of the western world, was a belief in an active and interventionist state role to support economic development, full employment, and the welfare of all its citizens. This was a period that saw the rapid expansion of a variety of welfare systems such as public education and health care while market and corporate activities were bounded by a web of social and political constraints (Gidney, 1999).

Since the early 1980s, a neoliberal restructuring of global political and economic systems has sought to dismantle the Keynesian state model and its social-welfare institutions and to replace it with market-driven, neoliberal state institutions, regulations, and government styles (Harvey, 2005). With the basic assumptions that markets should be the guiding mechanism for all political, social, and economic policies and that the primary role of governments should be to facilitate free markets, neoliberalism has led to the commodification, marketization, and privatization of a broad range of social services, including education.

To date, the character of Canadian public schooling has not been as radically restructured as it has been in countries such as England, the United States of America, or New Zealand. However, recent developments across a broad range of policy issues, already documented in this book, serve to demonstrate the ongoing conflict between these two distinct ideologies, and that Canada has not stood apart from impact of a global neoliberal turn.

Governance: In line with a neoliberal view of education as a private good or commodity rather than a public good, one of the

most widely enacted changes to the governance of public education in Canada in recent years has been a centralizing of authority, including taxing authority, at the provincial level. Elected, local school boards across Canada have either had their ability to influence education eroded or, as described in chapter 2, completely abolished and replaced by a highly top-down, bureaucratic system. In the name of cost-savings, increased efficiency, and ‘modernization’, public participation in public education becomes reconstructed into parental choice in a “market” of schools, professional expertise is devalued and deskilled, and curricular focus becomes centred on workforce development (Ball, 2012; Parekh & Gaztambide-Fernández, 2017).

Funding: An “austerity agenda” of smaller governments and lower taxes and a rhetoric of “value-for-money” and efficiency has led to a number of developments in the funding of public education. In some provinces this has involved substantial cuts in public school funding, in others it has meant public schools being tasked with additional responsibilities without the accompanying provincial funding. Elsewhere, schools have seen a tightening of the ways in which funds are allocated to a narrower range of economic priorities. Whereas full public funding was once a touchstone of public schooling today, across the country, alternative “revenue streams” are being expected to play an increasing role. School fees and large-scale school-based fundraising initiatives are becoming an increasingly common part of the public school landscape. International education programs provide another clear example of a large and relatively new source of funding, as well as the commodifying of public schooling. Questions about the potential inequities created between jurisdictions that can, and choose to, recruit international students and those who do not, as well as the impact that such programs have on regular program, to date lack clear answers.

Narrowing the curriculum/Refocusing the purposes of public schooling: Throughout this book, attention has been drawn to the multiple, complex, and competing goals and purposes that are

assigned to our public schools. A neoliberal education agenda seeks to prioritize the economic, workforce development purposes of schooling over all others. In Canada this can be seen in the emphasis on skill development and micro-credentialing that is gaining favour, often supported by corporations and the business community that have interests in a skilled workforce. It can also be seen in the increased curriculum attention given to literacy, maths, and science, and the ways in which education policy and practice has been influenced by the results from the Organization for Economic Cooperation and Development (OECD)'s Programme for International Student Assessment (PISA) conducted every three years in reading, maths, and science. The OECD itself, as well as many scholars, recognize concerns with using global standardized assessment as stand-alone measures of learning, with most discussions centering on effects on learners and schools; standardization of curricula that does not reflect local or cultural difference; perpetuation of a false homogeneity at the expense of recognition of difference between and within learners, cultures and nations; and the inequities perpetuated by global competition that privileges western ideologies (Sellar & Lingard, 2014; Verger et. al, 2016).

Managerialism and the Restructuring Teacher Professionalism: Managerialism constitutes a form of organizational governance that under neoliberalism sees the institutionalization of private sector/market principles into the public sector and the prioritization of values of efficiency and productivity into public services such as public schooling. In addition to (i) the centralization of power and control, and (ii) an emphasis on outputs rather than inputs and on rankings and league tables mentioned above, Lynch (2014) identifies the close monitoring of employee performance and the widespread use of performance indicators to encourage self-monitoring as a key feature of managerialism and the redefinition of public service provision. Ball (2012) has spoken about neoliberal policy and its impact on teacher practice, pedagogy, and curriculum. MacDonald-Vemic and Portelli (2020) noted that the discourse of neoliberalism

has shaped teacher performativity, including the language and enactment of social justice. de Saxe et al. (2020) argue more vehemently that neoliberalism is an “assault on public education,” describing “how educators are delegitimized and deprofessionalized through privatization, education ‘reform,’ and policies that reduce the profession to one that is both technicist and rote, all under the guise of ‘equity’ and ‘social justice’” (p. 52). In recent years in Canada an important illustration of the changing culture around surveillance and performativity can be found in the legislation introduced in a number of provinces that removes principals and vice-principals from their traditional place in provincial teacher associations for the purposes of collective bargaining (see chapter 9). Representing a significant shift from a model of professional collegiality, this shift explicitly institutionalizes and prioritizes the managerial and supervisory oversight expectations of these roles. We can also see its influence on educational policy that is restructuring the role of teacher unions in teacher certification, and growing calls from teacher groups for professional autonomy in the face of changing administrative structures in schools with increased local and provincial accountability measures and standardization platforms. We can also see it in the area of curricula development that is moving further from the purview of teachers and more into provincial committee structures that include representation from corporate (and other) interests.

Other Voices; Other Changes. Resistance to Injustice

In their book on the development of feminism in Canada, Wallin and Wallace (2018) note that the technologies of a neoliberal ideology

“confine perspective, reinforce patriarchy, and manufacture a false need for uniformity.... Juxtaposed to this are those who resist the effects of global capitalism and fight against it, often for the sake of environmental sustainability and/or diversity in all of its social forms” (pp. 264-265). We see this resistance evidenced in the alignment between Indigenous land claims and eco-justice battles over pipelines; in the demonstrations for *Black Lives Matter* and anti-Islamophobic action that have come out of tragedies perpetrated on racialized peoples in Canadian communities; and in resistance to for-profit internationalization efforts premised on colonial thinking, Whiteness and cultural appropriation. We note the growing fight for LGBTQI2S+ concerns and allied support of Promote Respect, Inclusion, and Dignity for Everyone (PRIDE). We also note the growing number of eco-justice activists who are ably linking our global eco-crises to the injustices perpetrated on marginalized peoples and communities across the world.

Schools are not absent from these critical movements. At a systems level, we see teachers battling anti-union sentiment and standardized testing; parents and community members taking public stands against government plans for restructuring school systems that would minimize democratic processes; public outcries in support of anti-racist education as new curricula sanitize the experience of Indigenous peoples while at the same time, the bodies of Indigenous children in residential schools reveal themselves through ground-penetrating radar; and youth mobilizing local actions to support the planet and peoples across the world who face violence, hunger, and poverty. Although these conflicts bring with them unrest and discomfort, Wallin and Wallace (2018) also suggest that they provide opportunities for greater global and intercultural understanding as diverse perspectives are shared publicly, often through social media. Most importantly, these instances of resistance to injustices are “often led by youth, who demonstrate to us that our humanity has not been lost. We need to educate ourselves...so that educational spaces do not become sites of

ideological polarity, but rather sites of deeper understanding” (p. 265).

10.5 The Challenges of Improving Schools

So how have schools shifted to deal with the impacts outlined above? Like most institutions, schools are generally better at maintaining the status quo than they are at making major changes. The tendency of any institution is to focus inwardly on its own operations, and to try to manage the outside world in a way that causes as little disruption as possible to “business as usual”. Although schools have been subject to all the criticisms and reform proposals already mentioned, many observers suggest that the major elements of schools have hardly changed at all. There are still groups of students who are organized by age and ability under the supervision of a teacher, who study a formal curriculum, and who are evaluated at the end of the year. In this sense, all the talk of reform seems to have made little difference.

There are several reasons why this is so. The first is that many reform proposals may be mandated without enough thought given to whether they will work in practice (Fullan, 2009). When these ideas collide with the everyday reality of classrooms and teacher–student/school–parent relationships, they turn out to be unworkable or not worth the trouble. Some fifty years ago, schools experimented with what were called open-area schools, buildings in which most of the walls were removed, and students and teachers were asked to function in large groups. After a few years, the walls were reinstalled in most of these buildings. This was not because open area failed as a concept; the evidence suggests that open-area schools were about as successful as other schools (Walberg, 1990). Rather, open area embodied a particular view of learning that required major changes in teaching practice, and in teacher–teacher and teacher–student relationships. These changes needed a very large amount of time and energy to be implemented

effectively. Moreover, the new settings made many parents uncomfortable. In the end, too many people felt that the change wasn't worth the trouble.

A second problem with changing schools is that people do not agree on what schools are for. Any change presupposes a certain view of the purpose and role of schools. Those who see schooling as being primarily about developing individuality may favour reforms that broaden students' choice, give more emphasis to issues of daily living, and so on. Those who regard schools as training grounds for the job market may want tighter discipline and more emphasis on mathematics, science, and work skills. Those who see schools as professional organizations may propose giving more authority to teachers, while those who value standardization and control may want provincial examinations instead. Since the formulation of school policy is largely a political matter, at any given time several of these agendas are likely to clash. Thus, schools are often asked to do things that are mutually incompatible. It is difficult for any organization to move decisively in two directions at the same time. No one should be surprised, then, to find that many changes in schools do not take root.

Finally, it is important to recognize that there are many things that we simply don't know how to do. If there were a straightforward way to teach every 6-year-old to read, schools would use it; but there isn't, at least as far as we know. Reading experts disagree about how reading should best be taught. What, then, are schools to do? The same is true of many of the other issues that face schools. There is no clear way to teach effectively in a classroom with 25 very different students with all the compositions of ability, ethnicity, health, social, cultural and identity characteristics that each person brings; to provide challenging and engaging instruction for students who have different interests, motives, and needs; or to overcome the impact of poverty and trauma that many children bring with them to school every day.

The American humorist H.L. Mencken once said that "to every complex problem there is a simple, straightforward solution—and

it's wrong.” It would be comforting to think that the problems of schools could be solved simply through some change in school policy or teaching practice, but the world is not like that. We may hear a proposal about an educational reform, find it appealing, and think that it would really work. But in practice it turns out that the problems are multiple, complex, and interrelated, and that the solutions are more difficult to implement and less effective than they seemed when first described.

10.6 Responding to the Tensions

Some readers might find the analysis of schooling in this chapter depressing. Schools face important challenges in the form of social change, yet our experience indicates that creating meaningful and lasting improvement is quite difficult to do. To say that things are difficult and that we are not sure what to do, however, does not mean we should do nothing. In this final section of the book, we suggest some strategies that educators and those interested in education might use to create a climate for the thoughtful improvement of schools. Because educators need to explain themselves, not just assert their opinions, they themselves need to put more care into their thinking—they need a clearly articulated world view, better arguments, more evidence, and, most importantly, the disposition to change when they encounter persuasive evidence that is contrary to current thought or practice. And because of the growing pluralization of views, it is less likely that a single conception of education could be effective, let alone should be imposed on everyone. As we continue to “unsettle” our Canadian milieu towards recognition, and towards schooling, there exists a great need to increase the scope of our educational imagination. Indeed, one way of framing the challenge is to say that schools should change from organizations that are about learning to ones that embody the ideas of learning in their own structure and operation.

Responding to change is an educational task in which educators and schools need to do the same things we say we want to do with students—create positive collaborative relationships, define and debate issues, analyse data, develop and test strategies, and learn from our experience. True, there is no formal curriculum for doing this, and no set of correct answers to be found in the back of

the book. We will have to discover answers as we proceed, and to discard what does not seem to serve our purposes. But surely this is what real learning is about, and we should be excited by the opportunity to organize schooling in a manner that embodies the values we profess as educators. The absence of a single view of desirable change can be seen as an advantage that allows more options and possibilities. We need not wait to know the right way before we begin a journey.

What does this mean in specific terms? The four elements mentioned in the previous paragraph provide a set of possibilities:

Create positive, collaborative relationships. As should be evident in this text, schools are a microcosm of our larger society, and every person has a vested interest in how they are structured, what their purposes should be, and their consequences (sometimes positive, but as we've seen in the Canadian experience, sometimes tragic). It is also the case that schools can no longer sustain themselves without building strong and productive relationships within and outside the school. To build the capacity to respond to changing imperatives, to be thoughtful about the goals and potential consequences of change, and to serve the needs of an increasingly diverse society that exists within the depleting biodiversity of our world, educators and leaders need to regularly engage with parents, differing communities, business, and governmental agencies across sectors to come to terms with what they might achieve if they collectively vision. Such engagement becomes a means of acquiring stronger ideas, and perhaps resources, for making those ideas come alive. In the Canadian milieu, it may also become a means of serving our national interest in reconciliation between Indigenous and non-Indigenous peoples.

Defining issues suggests that educators and their communities—parents, students, and the public generally—need more opportunities to talk about educational matters. Schools tend to shy away from conflict about ideas, yet different points of view provide the opportunity for everyone to learn. It is important to understand how students and parents think about schools and what

their values, hopes, and aspirations are, and to compare those with the goals of staff. Disagreements and uncertainties can be explored so that everyone can understand one another's concerns.

It is also important to be able to talk more openly about issues we do not understand or do not know how to address. Educators, like other professionals, often feel that it is important to maintain an air of knowledge and certainty at all times. But this attitude may preclude the kind of open dialogue that is more important than ever. What does it mean to have truly public schools in the current era? How can we provide education that values both diversity and equity? How do we reconcile Education for Sustainable Development with our reliance on the harvesting of natural resources that has been a staple of our Canadian economy? We can improve our ability to address these questions only by debating them openly and accepting that our current knowledge and practices can benefit from thoughtful and sympathetic scrutiny. It is especially important to include in discussion those who may tend not to participate, or who may feel least able to contribute. The problems and challenges facing schools are different today; there is nothing wrong with admitting that we do not know how to address some of them. Admitting what we don't know is a critical step toward learning.

Analyzing data provides a way of testing our beliefs and assumptions. Much of the debate about education has proceeded in the absence of good evidence. Yet real learning must involve careful consideration of what is known. Schools can benefit from gathering and analyzing more information about their social context: Who are our students and their families? What is the social and economic structure of the community? What kinds of work do people do, and what is its impact on our world? What do they see as critical problems and important opportunities? In many of these areas, data already exist through sources such as Statistics Canada; in others, schools can gather data readily through surveys of students and families (which might even be done by high-school students as assignments). These data provide additional opportunities to talk

about important issues in the school and the community and they provide a means of getting beyond people's initial positions, or even prejudices.

Schools could also benefit from looking more carefully at data on their own outcomes. What proportion of students and what kinds of students are struggling? How many students are failing courses, and which ones? How are the achievement patterns different between males and females, or for particular identity groups? Are the patterns the same across the school, or do they differ from grade to grade and subject to subject? How might we explain these patterns and what implications might they have for the way we organize teaching and learning?

In Chapter One we suggested that schools across Canada (and in many other countries) tend to operate in very similar ways. Given that we do not fully understand the changes taking place around us, or their impact on us, experimentation seems an essential strategy, and this would seem to imply more diversity in the arrangements for schooling. It is vital to *develop and test strategies* for improved schooling. Learning occurs when people try a variety of different things to see how they work. Yet policies of conscious and deliberate experimentation organized to promote learning about education are rare. Much more frequent is the belief that a solution has been found and that the only need is to make everyone conform to it. The imposition of dogma—no matter whose dogma it is—inevitably leads away from learning, not toward it.

At the same time, experimentation is not very useful unless we *learn from our experience*. Schools have been, as noted earlier in this chapter, subject to many experiments. We have not, however, typically seen these as opportunities to learn. Instead, each new strategy has been treated as the answer—something to be done, not something from which to be learned (Levin, 2012). Consistent and systematic use of research as a strategy for learning about what works in education is quite rare. The Organization for Economic Development and Cooperation (OECD) concludes that education research is a very small enterprise, especially considering how large

the education sector is. Countries simply do not make sustained efforts to improve their education systems through research as they do, for example, in health care.

Research is not only a matter for governments, however. Every teacher and every school can ask questions and collect data about the effects of different policies and practices. Limits of time mean that not everything a teacher or school does can be studied carefully, but schooling might very well benefit from a greater propensity to ask whether what we are doing is working and whether something else might work even better. Action research and inquiry conducted by teachers in their own classrooms and schools, offers guidance on how such work can be done and can be useful.

All of these steps would move schools in the direction of embodying principles of learning in their own operations. When faced with the question of how “good” or “bad” Canadian schools are, we need to first ask, “compared to what”? To each other? To the different types of school system we offer (provincial, denominational, private, federal)? To other countries? To the “good old days” that have not been equally “good” to all people? We need to deconstruct our expectations and assumptions embedded in a question of this nature, reflect on what our notions of the “good” entail, and how the notion of the “good” might be considered differently by differently positioned peoples. What makes a school “good,” may very well be linked to those who benefit the most from it, and from those who have the privilege to decide on what is “good” for others. Along many of the dimensions we have offered in this text, Canadian public schools are considered to be very good, and are the envy of those in many other countries. Yet, as we have also demonstrated, there are perennial tensions between value systems enacted daily in Canadian schools that have led to systemic inequities for many different groups of people. Not everyone has had a “good” experience in a Canadian school, and in fact, our colonial history demonstrates that our school system has done irreparable harm to many children and families. If we are to

continue to strive for the “good”, that quality must be collectively constructed through respectful public debate. We have to find ways to deconstruct and minimize privileges that continue to perpetrate injustice; to deliberately design opportunities for meaningful participation and democratic governance; and to create and enact policies, programs and systems that foster inclusion, individual and collective rights, and a sustainable world.

10.7 Conclusion

The task of maintaining a high-quality school system in a diverse, pluralistic, changing society is far from simple! Change affects schools in important ways that we may not understand very well. People have quite different views about how schools should be organized and operated. Governments are pushing change in particular directions without necessarily having a good understanding of what the results will be. Many teachers are feeling overwhelmed by all the changes that seem to be pressing on them yet making lasting improvements in a well-established organization can be very difficult even when people agree on what the changes should be. All of this creates some dangers, for when people allow themselves to become preoccupied with unwanted changes, they lose the connection between themselves and the external world. People who are afraid of change also anticipate more and more threatening upheavals, condemning it in advance and, in a curious way, preparing themselves for the worst.

Seen from another perspective, however, this is a particularly exciting time to be involved in education. Teaching must be an optimistic endeavour. The whole idea of education rests on the possibility of betterment—on our belief that we can help the next generation create a better world. People expect our schools to help all students do well. Could we ask for a more important and more exciting challenge? When people are questioning things, when long-established practices are open to scrutiny, when there is an acceptance that at least some things need to be done differently, then there are also great opportunities for people with ideals and initiative. We have the opportunity to put our values into action in the service of education. Teachers, parents, and all those interested in schools can focus on the positive potential—the ability of people when motivated and supported to find ways of being in the world

that are more conducive to creating and sustaining the kind of schools, and the kind of society, that most of us want.

Exercises

1. As a class exercise, brainstorm a list of all the forces outside the schools that are having an impact on what schools do. Organize your list in order of descending importance and give reasons for your ranking.
2. Find a recent media piece that is critical of schools or proposes changes in schools. What assumptions underlie the article? How well supported are the proposals by evidence or argument? What alternatives might exist for dealing with the same issue?
3. Review a few issues of a popular journal from the 1970s or 1980s (e.g., *Educational Leadership* or *Phi Delta Kappan*). What were the key issues at that time? Are they still current? If not, why not?
4. Interview an experienced teacher about the changes in policy and practice he or she has seen over the years. Which changes have had a lasting impact, and why? Which have disappeared with little trace, and why?
5. Interview a teacher or principal in a school that contains a great deal of diversity (ethnic, racial, immigration, language, socio-economic status, etc.). What issues does the school have to consider as a result of these factors? What steps do schools take to try to ensure all students can engage and succeed in learning?
6. Obtain labour market data for your city or province. What occupations are most common, and

how does this compare with Canada as a whole?
What are the implications of these data for schools in your area?

7. Interview one or two teachers about the use of technology in schools. What do they see as the future potential of these technologies of education? What do they see as their limitations? Do you agree? Why or why not?
8. Talk with members of a school staff or parents to learn what mechanisms their school uses to raise and debate educational issues in the school and with the community. Is there an active process of studying and learning about emerging issues and problems? Why or why not?
9. Investigate the role that education research plays in affecting school policy and practice. Which policies and practices have strong research support, and which do not? What could be done to improve the connection between research and practice?

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