

## CALGARY CATHOLIC SCHOOL DISTRICT

May 7, 2019



Re: Extending ES II Program to Fourth Year

Further to my telephone conversation with you on Friday, May 3, 2019, I confirm that you have consulted with me on whether the decision of Kathleen Kostuik, Supervisor, Diverse Learning — Area B, not to accommodate your daughter for a fourth high school year in the ES II program could be reconsidered.

I understand that your daughter, is 18 years old and is presently receiving her Certificate of School Completion from her grade 12 high school year. However, you believe would benefit from being offered a fourth-year in her program as this is a window of growth opportunity for her.

Unfortunately, as mentioned during our conversation, I must uphold the decision of Ms. Kostuik.

The reasons for doing so are outlined below and address, to a large degree, the various questions you raised for me to consider:

- 1. The primary reason for not allowing to access a fourth-year of the ES II program is that the District does not have sufficient resources and facilities to accommodate her.
- 2. The School Act is quite clear that when a parent makes a request to have their child enrolled in a school, it is dependent upon whether there are sufficient resources and facilities available to accommodate the student. (Section 45 (3) of the School Act)
- 3. Although the School Act also indicates that a school board may direct a student who requests enrolment in a senior high school program beyond a 3rd school year to attend a school designated by the board, that is entirely a discretionary right to be exercised and the board is under no obligation to do so.
- 4. District officials have reasonably exercised their discretionary right and acted in good faith in doing so regarding your request since (1) there are insufficient resources and facilities available to accommodate or elsewhere; (2) she is graduating from Grade 12 leaving no reason for her to remain beyond her certificated year; (3) all other grade 12 ES II students are being similarly treated and not accommodated for a fourth year; (4) to accommodate all graduating grade 12 ES II students to be enrolled in a fourth year of high school would effectively deprive incoming grade 9 ESII students with an education program in grade 10 to which they are legally entitled, as well as those ES II students who are presently enrolled in grades 10 and 11 to be able to continue their education in succeeding grade levels.

- 5. We cannot provide an ES II program for at another school as all other schools have also experienced an increase in enrollment for ES II and ES III students, leaving no facilities and resources at those schools to accommodate a fourth year ES II program student.
- 6. We have opened a number of programs at other District schools over the years, but these new programs are designed to accommodate and meet the educational needs for the increasing number of ES II and ES III students enrolled in grades 1 to 12 and not for enrollment in a non-required grade 13.
- 7. In making this decision, I must act in the best interests of all students presently applying for enrollment, or already enrolled in an ES II education program and am prevented to offer spaces to graduating students that would detrimentally affect the education of all other ES II students at non-graduating grade levels.

I hope you will appreciate my position and that of the District: we cannot accommodate continued enrollment of graduating ES II high school students beyond grade 12 where non-graduating ES II students will be deprived access to their respective educational program.

In the event you wish to appeal this decision, I am attaching a copy of Administrative Procedure 390 titled "Appeals Concerning Student Matters" for your reference that outlines how and to whom you may file an appeal.

In closing, please appreciate I wish it could be otherwise for this school year, but our increasing number of students in the ES II program has effectively prevented any accommodation for ES II students in a fourth-year of high school to occur.

If you have any additional questions you wish answered, then please do not hesitate to contact me at your convenience.

Sincerely,

Heather Kane

**Director, Instructional Services** 

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cc. Andrea Holowka, Superintendent, Instructional Services
Michael Ross, Superintendent, Area A Schools
John McDonald, Director, Area A-1 Schools
Kathleen Kostuik, Supervisor, Diverse Learning, Area B Schools
Principal,



## CALGARY CATHOLIC SCHOOL DISTRICT

May 17, 2019

student. (Section 45 (3) of the School Act)

Dear
Re: Extending ES II Program to Fourth Year
Further to my telephone conversation with you on Friday, I am confirming that the Calgary Catholic School District is not able to accommodate your son for a fourth high school year in the ES II program.
Unfortunately, as mentioned during our conversation, I must uphold the decision of and
The reasons for doing so are outlined below and address, to a large degree, the various questions you raised for me to consider:
1. The primary reason for not allowing to access a fourth-year of the ES II program is that the District does not have sufficient resources and facilities to accommodate him.
2. The School Act is quite clear that when a parent makes a request to have their child enrolled in a school,

3. Although the School Act also indicates that a school board may direct a student who requests enrolment in a senior high school program beyond a 3rd school year to attend a school designated by the board, that is entirely a discretionary right to be exercised and the board is under no obligation to do so.

it is dependent upon whether there are sufficient resources and facilities available to accommodate the

- 4. District officials have reasonably exercised their discretionary right and acted in good faith in doing so regarding your request since (1) there are insufficient resources and facilities available to accommodate at High School, or elsewhere; (2) he is completing his Grade 12 year; (3) all other grade 12 ES II students are being similarly treated and not accommodated for a fourth year; (4) to accommodate all graduating grade 12 ES II students to be enrolled in a fourth year of high school would effectively deprive incoming grade 9 ESII students with an education program in grade 10 to which they are legally entitled, as well as those ES II students who are presently enrolled in grades 10 and 11 to be able to continue their education in succeeding grade levels.
- 5. We cannot provide an ES II program for at another school as all other schools have also experienced an increase in enrollment for ES II and ES III students, leaving no facilities and resources at those schools to accommodate a fourth year ES II program student.

- 6. We have opened a number of programs at other District schools over the years, but these new programs are designed to accommodate and meet the educational needs for the increasing number of ES II and ES III students enrolled in grades 1 to 12 and not for enrollment in a non-required grade 13.
- 7. In making this decision, I must act in the best interests of all students presently applying for enrollment, or already enrolled in an ES II education program and am prevented to offer spaces to graduating students that would detrimentally affect the education of all other ES II students at non-graduating grade levels.

I hope you will appreciate my position and that of the District: we cannot accommodate continued enrollment of graduating ES II high school students beyond grade 12 where non-graduating ES II students will be deprived access to their respective educational program.

In the event you wish to appeal this decision, I am attaching a copy of Administrative Procedure 390 titled "Appeals Concerning Student Matters" for your reference that outlines how and to whom you may file an appeal.

In closing, please appreciate I wish it could be otherwise, but our increasing number of students in the ES II program has effectively prevented any accommodation for ES II students in a fourth-year of high school to occur.

If you have any additional questions you wish answered, then please do not hesitate to contact me at your convenience.

Sincerely,

Mike Ross

Superintendent, Area A

cc. Andrea Holowka

Superintendent, Instructional Services

John McDonald

Director, Area A-1 Schools

Heather Kane Director, Instructional Services

Kathleen Kostuik Supervisor, Diverse Learning, Instructional Services

May 29 2019 Dear With regard to our son, fourth year in High school we are extremely disappointed at this notice coming in at the eleventh hour, that cannot attend . It was anticipated that he would be able to attend he didn't get into would have been our first choice for him because the program was ideal for his continued development. placement for the 2019-2020 started on Our communication re when we discovered that younger sister was going to be attending grade 10 at the Fall. As a family we know that this was the right placement especially with (his sister) being a guiding support to assist in getting to and from the new school and learning at his new placement. 's teacher at the most recent parent teacher meeting in March advised that since had made such excellent progress over the course of the year, that it would be advisable that he return to to continue with his development for another year. She explained the new program would have progressive work programs and that it would be the best program for development. There was no mention that would not have a spot at until after we were advised that there was no place for him at . In your email of you repeatedly referred to a lack of resources for education beyond grade 12 for any returning ES II or III students. In the "Right of Access to Education" in the "Education Act" it states that students have a right of access to education up to age 21. Why state this when there aren't even resources for grade 13. Why were we not apprised of this earlier instead of pretending the option was there? Surely any business should know what their resources are much sooner than this. When was it decided that there would be no resources for returning ES II and III students? Is this because of pending government budgetary cuts. offered a fourth year of high school would it not be incumbent on the Catholic or any School board for that matter, to sit down with the parents and and the respective school parties and plan an exit strategy to transition him to the world of work outside of the school system. I see this as an extreme downfall in the provision of services, especially for our most vulnerable students. As noted above, his teacher had indicated that the best place for

year and left us with no time to make plans for future beyond formal schooling.

My wife and I are irate at the lack of support provided and want you to re-evaluate your decision on not offering a fourth year of High school. Your attention to this situation would be appreciated ASAP

Sincerely,

for a fourth year. It came as a shock to us that wasn't being offered a fourth

vear was back at