



OMBUDSPERSON
BRITISH COLUMBIA

Ms. Gina Niccoli-Moen
Superintendent of Schools
School District 41 (Burnaby)
5325 Kincaid St.
BURNABY BC V5G 1W2

August 9, 2021

Dear Ms. Niccoli-Moen,

RE: Quarterly Reports: April 1 – June 30, 2021

This package of documents details the complaint files the Office of the Ombudsperson closed for **School District 41 (Burnaby)** between April 1 and June 30, 2021. No action is required on your part, however we hope that you will find this information useful and share it within your organization.

These reports provide information about the complaint files we closed regarding your organization within the last quarter, including both files we investigated and files we closed without investigation. Files currently open with the office are not included in these reports.

Enclosed you will find detailed reports containing the following:

- A one-page report listing the number of files closed and the category under which they were closed. The categories we use to close files are based on the sections of the *Ombudsperson Act*, which gives the Ombudsperson the authority to investigate complaints from the public regarding authorities under our jurisdiction. A more detailed description of our closing categories is available on our website at: <https://bcombudsperson.ca/assets/media/QR-Glossary.pdf>.
- *If applicable*: Copies of closing summaries written about the complaint files we investigated. These summaries provide an overview of the complaint received, our investigation and the outcome. Our office produces closing summaries for *investigated* files only, and not for enquiries or those complaints we chose not to investigate.
- *If applicable*: A summary of the topics identified in the complaint files closed during the quarter. We track general complaint topics for all complaints we receive, and when applicable, we include authority-specific and/or sector-specific topics for your organization and/or sector. Our office tracks the topics of complaints we investigate and those we close without investigation, but not for enquiries. Because complaints to our office are confidential, we do not share complaint topic information if we received too few complaints to preserve the

complainants' anonymity.

If your organization received too few complaints to produce a summary of complaint topics but you would like further information about the complaints our office received about your organization, our Public Authority Consultation and Training (PACT) Team can provide further details upon request.

Finally, we have been tracking complaints related to the COVID-19 pandemic under the general heading of "COVID-19." If you would like more detailed information about those complaints, please contact our PACT Team.

If you have questions about our quarterly reports, or if you would like to sign up for our mailing list to be notified of educational opportunities provided by our Public Authority Consultation and Training Team, please contact us at 250-508-2950 or consult@bcombudsperson.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jay Chalke".

Jay Chalke
Ombudsperson
Province of British Columbia

Enclosures



Type of complaint closure	# closed
Enquiries – Many people who contact us are not calling to make a complaint, but are seeking information or advice. These contacts are classified as <i>Enquiries</i> to distinguish them from <i>Complaints</i> , which are requests that our office conduct an investigation.	0
Complaints with No Investigation – Our office does not investigate every complaint it receives. First, we determine whether we have authority to investigate the complaint under the <i>Ombudsperson Act</i> . We also have discretion to decline to investigate for other reasons specified in the <i>Ombudsperson Act</i> .	0
Early Resolution Investigations – Early Resolution investigations provide an expedited process for dealing with complaints when it appears that an opportunity exists for the authority to take immediate action to resolve the issue. Typical issues that are addressed through Early Resolution include timeliness, communication, and opportunities for internal review.	0
Complaint Investigations – When we investigate a complaint we may conclude with a determination that a complaint is not substantiated, or with a negotiated settlement of the complaint, or with public findings and recommendations. We may also exercise discretion to cease investigation for a number of other reasons specified in the <i>Ombudsperson Act</i> .	Total: 1
<i>Reason for closing an Investigation:</i>	
Pre-empted by existing statutory right of appeal, objection or review.	0
Investigation ceased with no formal findings under the <i>Ombudsperson Act</i> .	
More than one year between event and complaint	0
Insufficient personal interest	0
Available remedy	0
Frivolous/vexatious/trivial matter	0
Can consider without further investigation	0
No benefit to complainant or person aggrieved	1
Complaint abandoned	0
Complaint withdrawn	0
Complaint settled in consultation with the authority - When an investigation leads us to conclude that action is required to resolve the complaint, we try to achieve that resolution by obtaining the voluntary agreement of the authority to settle the complaint. This allows matters to be resolved fairly for the complainant and authority without requiring a formal finding of maladministration.	0
Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
Ombudsperson Initiated Investigations – The Ombudsperson has the authority to initiate investigations independently from our process for responding to complaints from the public. These investigations may be ceased at the discretion of the Ombudsperson or concluded with formal findings and recommendations.	0



Notice: Use of this document as evidence against an individual or institution in a court or tribunal proceeding is prohibited by s. 20(2) of the Ombudsperson Act.

Closing Summary Index

Closing summaries are provided for all investigated files closed in each quarter. Identifying information is removed from the closing summary itself to allow for broader distribution within your organization for quality improvement purposes without disclosing personal information. The table below provides an index of these investigated files and lists the complainant's name, file number and authority contact involved. Files closed under our Early Resolution Program are also identified. This identifying information is provided separately to assist you in following up on individual files with involved staff as needed.

File Number	Complainant	Authority	Authority Contact	ER file
		School District 41 (Burnaby)	Russell Horswill	



Closing Summary

Authority:	School District 41 (Burnaby)
File Number:	
Closing Date:	17-May-2021
Closing Status:	<i>Closed; Investigation; Ceased (discretion) (s.13); No benefit to complainant or person aggrieved (s.13(f)); No findings</i>
General Complaint Topics:	Disagreement with Decision or Outcome Treatment by Staff Communication Process or Procedure
Authority-specific Complaint Topics:	Enrolment/Registration

A parent of a child in the District's Mandarin language program contacted us with a complaint. The parent told us they expected their child's cohort would be placed in its own Mandarin language class when the cohort started high school in September 2018, rather than in the existing Mandarin 9 or 10 classes.

The parent said they were surprised to learn their child was ultimately placed in the Mandarin 10 class, not a separate class. They said they asked District staff for information about the placement decision, but did not receive an explanation of why the District diverted from the original proposal of a separate class. The parent also expressed concern that the District may have followed an unreasonable decision-making process in making the final placement decision.

We investigated whether the District followed a reasonable process in responding to the parent's request for information. We also considered the reasonableness of the District's decision-making process.

We confirmed that District staff had previously communicated with the parent about a separate class for the incoming cohort, but did not proactively advise the parent of the final decision. In light of the previous discussions regarding a separate class, we considered it would have been better had the District proactively communicated with the parent about its decision not to proceed with that option.

However, we also learned that the parent did not raise any concerns about the final placement decision when they first learned of it in September 2018. Instead, they first shared concerns and requested information about the decision approximately one year later. Accordingly, the District did not receive any complaint or inquiry from the parent at the time the decision was made and so there was no response for our office to assess.

From the records we reviewed, we were satisfied that the District's decision-making process was reasonable because it appeared the District considered and based its decision on a number of relevant factors including the results of the students' assessments, the available resources, a desire to keep the cohort together, and the high school teacher's opinion about whether the placement could be successful. We shared a summary of this information with the parent and provided our assessment that the process the District followed was reasonable.

We also received information and records from the District regarding its response to the parent's request for information in 2019. Ultimately, we decided it was not necessary to further investigate the District's response. Had we investigated further and developed concerns that the District did not provide adequate information, we would have asked the District to do so. However, that outcome was unnecessary because, in the course of our investigation, we provided the person with information about the District's reasons for diverting from the proposed separate class.



We did not identify an issue of administrative fairness that required further investigation and so we ended our investigation and closed our file.



All School Districts
School District 41 (Burnaby)

The tables below summarize the complaint topics we are tracking for your sector and/or authority and the number of times this topic was identified in the files (investigated and non-investigated complaints) that were closed in the most recent quarter.

If you would like more information on the types of complaints we receive, please contact our Public Authority Consultation and Training Team: email us at consult@bcombudsperson.ca or call us at 250-508-2950.

Sector-Specific Complaint Topics - All School Districts

Enrolment/Registration	1	6%
School Closures	1	6%
Special Education	1	6%
Student Suspension or Exclusion	1	6%
Student Safety	6	33%
Other	8	44%

General Complaint Topics - All School Districts

Disagreement with Decision or Outcome	10	24%
Administrative Error	1	2%
Treatment by Staff	12	29%
Communication	6	14%
Process or Procedure	8	19%
Review or Appeal Process	2	5%
Employment or Labour Relations	1	2%
Other	2	5%

From: MCF Info MCF:EX <MCF.Info@gov.bc.ca>
Sent: Tuesday, September 14, 2021 11:34 AM
To: Jen Mezei
Subject: E-mail from the Honourable Katrina Chen, Minister of State for Child Care

VIA E-MAIL
Ref: 263194

Jen Mezei
Board Chair
E-mail: jen.mezei@burnabyschools.ca

Dear Board Chair Mezei:

Families throughout British Columbia are looking for access to inclusive, affordable, quality child care. As leaders, I know you are acutely aware of the needs in your community and share our government's concerns and ambitions of providing access to an inclusive universal system of care. Although we have made significant progress over the last three years with nearly 26,000 new licensed child care spaces approved for funding across Childcare BC's space-creation initiatives, too many families still struggle to find the care they need in their local communities. With this in mind, I am emailing today to ensure you have received information about the opening of the [Childcare BC New Spaces Fund](#), our province's largest child care space creation initiative.

In the 2021/22 intake for the New Space Fund program, we are focusing our efforts on expanding quality, inclusive, community-based child care in areas with the greatest need in alignment with provincial priorities and commitments under the [Canada Wide Early Learning and Child Care Agreement](#). This means that only School Districts, Indigenous and local governments, not-for-profit organizations, and Indigenous not-for-profit organizations are eligible to apply for up to \$3 million in grant funding per project.

As an eligible organization, I encourage you to visit [Childcare BC](#) to review the New Spaces Fund program guidelines, FAQ, application form, and other resources. Further, I encourage you to seize this opportunity to partner with the Province to help address your community needs and serve families in your community with more affordable, quality child care.

Note that the deadline to apply is November 16th, 2021 at 4:30 p.m. PST.

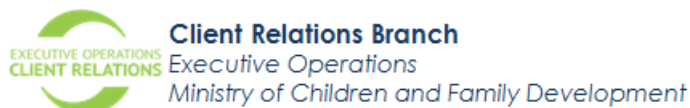
Please do not hesitate to contact our Capital Funding program staff at MCF.CCCF@gov.bc.ca or 1 888 338-6622 (option 5) for any additional questions you may have.

Thank you for the work you do for families in your community.

Sincerely,

Katrina Chen
Minister of State for Child Care

Sent on behalf of the Minister of State by:



This communication and any accompanying document is confidential and is intended solely for the addressed recipient(s). If you received this e-mail message in error, please delete the e-mail and any attachments and contact the Client Relations Branch, Ministry of Children and Family Development at: MCF.Info@gov.bc.ca.