

A Report to the Board of Trustees - Kelsey School Division

A. Mandate

At the September 8, 2014 meeting of the KSD Board of Trustees, the following motion was passed:

“That the Policy Committee review the procedures for use of the skate park, in consultation with the administration of the middle and high schools, and report back to the Board. “

The Policy Committee met on September 12, 2014 to begin the discussion of this issue. It became apparent that there were broader elements involved, that some misinformation in public debate was clouding the discussion, that a full review of the joint use protocol would be useful to a better understanding by the Policy Committee before it could clarify a School Division position and/or policy on future utilization and the possible expansion of the Skate Park. The Committee met again on October 10 to review the documentation developed to date. The Committee concluded that it would be advisable to broaden the discussion to include the perspectives of all the trustees before developing recommendations and policy. As a result, further discussion occurred at the October 27 school board meeting . The Policy Committee finalized its report on November 5, 2014.

Leading towards a better understanding of the issues involved, the Policy Committee agreed to pursue additional facts to aid it in its further deliberations, and to consider the following questions:

- What is the ownership of the recreation land involved?
- What is the nature of the current agreements on the joint use of the Sportsplex grounds?
- What is the background to the current operational protocol for school jurisdiction?
- What is the past and current administrative experience with the skateboard park’s location adjacent to the schools?
- Are there liability and safety concerns that need to be addressed?
- How have the schools’ utilization needs for the use of the Sportsplex grounds changed in recent years?
- What future KSD land use needs for this area have to be considered?
- What recommendations are needed for future joint use, in keeping with the curricular and safety needs of the two schools adjacent to the recreation complex?

B. Background

In 1968 a new high school, Margaret Barbour Collegiate Institute, was opened on Smith Avenue at Grace Lake Road. By 1973 a library/classrooms addition to this facility (with a Town owned swimming pool between) was also constructed. In 1973 as well, the new Scott Bateman Junior High (now a Middle School) was opened next to MBCI in order for the students to share some industrial arts and other specialized facilities.

The influx of more than 800 students, and in some years more than 1200 students, to this location resulted in a greater need for outdoor/playground/sports facilities. As well there was a growing diversification of the curricula delivered at both schools due to more courses advocating and incorporating outdoor components, especially in Physical Education and some school initiated courses. While the schools' student populations have diminished somewhat, the more recent addition of younger Grade Six students to the Scott Bateman Middle School site also changed some of the dynamics.

On May 22, 1974 the School Division approved By-Law 4-1974 "which provided for the sale of 120' x 120' of land on the South West corner of the MBCI site to the Town of The Pas...This land is to facilitate the building of a town library." On September 9, 1974 the KSD trustees approved a sale of land (for \$1.00) from River Lot One to the Town of The Pas "re swimming pool."

By September 20, 1974 at a Special Meeting the Board approved in principle to allow a negotiated agreement that the Town of The Pas and the Library Board could build a facility on the east side of "MBC" (assuming the Department of Education agreed, which they did by October 21.)

At the September 8, 1975 School Board meeting "The development of the school property and used for a recreation site (MBCI and Scott Bateman) was discussed and the board agreed that the school division would maintain the grounds."

In October 1, 1975 an agreement was developed among the School Division, Town of The Pas and the Province of Manitoba (represented by the Minister of Colleges and Universities Affairs). The agreement noted that:

1. The Town and the School Division were the registered owners of the lands under consideration.
2. The lands would be set aside for the use of all parties for the "purposes of a playing field designed to accommodate baseball diamonds, track and field facilities and a football field."
3. The Town would be responsible for maintenance.
4. A development committee would be constituted with joint representation.
5. The Keewatin Community College would have the right to participate in the use of the land.
6. The allocation of usage including scheduling of times would be through the Kelsey Recreation Commission with input from each party.
7. Capital costs of construction would be determined within the abilities of each party.
8. The agreement would automatically renew from year to year unless notice was received by March 31 to terminate it.

On November 17, 1976 a letter from the Town accompanied the recreation by-law which states that "a board member is to be on the commission." In his report to the School Board on May 17, 1976 Superintendent Grundy "was pleased to see work being done on the area between MBCI and the arena."

On April 28, 1986 the KSD Board denied a request of the Kelsey Recreation Commission to locate a skateboard ramp on the MBCI parking lot.

A skateboard park was developed in 2003, using a tennis court area for the base. No record of a joint agreement on this expansion has been found.

A memo from KRC Director Jim Crockett on August 26, 2003 noted that at a KRC meeting to discuss concerns about the "Skate Park" the Commission "has agreed the best way to control the park is to **have school rules apply to the park between 8:00 am and 4:00 pm.**" It also noted, regarding the Sportsplex:

"Part of the Sportsplex property belongs to the School Division. It was developed in partnership between (sic) the Town, KSD, and KCC. The Town does all the maintenance of the area including ball diamonds, tennis courts and nets, running track, long jump pits and runways, soccer fields, grass cutting and fencing. KSD uses all this area particularly with MBCI and Scott Bateman students. The Town has paid for all capital improvements on these facilities. Major capital improvements such as resurfacing tennis courts, re-edging and resurfacing track should be cost shared by KSD."

In the September 8, 2003 report of KSD Superintendent Al Gardiner to the Board of Trustees, he stated:

"After a few months of discussion among the administration at Scott Bateman and Margaret Barbour, division administration and the Kelsey Recreation Commission, an arrangement was concluded whereby **school rules would apply at the skateboard park and the adjacent grounds during the school day.** This is consistent with the division policy on shared use of these facilities."

The topic of the skateboard park would resurface in KSD committee meetings and principal communications during the next two years.

Trustee Sawn Hnidy, the KSD representative on the KRC board, reported to the KSD board at the June 28, 2004 meeting that "In the fall a meeting would be held with Administration, Kelsey Teachers' Association, CUPE Local 1596, Board of Trustees and Kelsey Recreation Commission." There is no further reference to this meeting having been held.

In June 2005, a broader signed Reciprocal Agreement between the Kelsey School Division and the Town of The Pas made reference to the Sportsplex Grounds, noting:

"The School Division will provide the Town with assistance for school-related events. The Skateboard Park is the exclusion. This understanding is in addition to the terms of the agreement...[of] October 1, 1975."

In October 2005, a letter from KSD Board Chair Linda Buchanan to the Mayor and Councilors of the Town of The Pas noted the state of affairs of the Skate Park were:

“...not appropriate for a facility adjacent to schools with students coming and going to school. The park has graffiti which is far below the accepted community standard for The Pas. With obscenities and other inappropriate language, use of the tennis courts for physical education classes is undesirable. With the removal of the fence around the Skateboard Park, garbage from the skateboard park blows into the school yards. If the skateboard park is to stay where it is currently situated, a more effective and longer term solution than past remedies needs to be required.”

For the next several years, periodic efforts to remove graffiti and garbage were done by organized students of the schools, and local Citizens on Patrol Program (COPP) personnel.

By 2014 interest from a local community group on an enlargement of the Skateboard Park was developing and the “Project Manager” began inquiries on the possibility of this idea. A possible relocation to facilitate this enlargement was also a topic, but suitable alternative locations were not easily forthcoming. Information on a project completed in Flin Flon led to a letter on July 7, 2014 to the School Division with the stated position of the Project Manager that the KSD should adopt the Flin Flon School Division’s “policy”. Information received from the Superintendent of FFSD identified some of the issues (similar to some experienced by KSD) that had developed since their community skateboard park had begun operation.

Various interpretations in the local media and social network conversations were sometimes long on opinion and short on facts regarding the operation of the KSD/KRC shared agreement. This led to the School Board referring consideration of the issue to the KSD Policy Committee for review of how joint use of the Sportsplex grounds is managed in order to see if there was room for some flexibility for access by the adult community. The Policy Committee noted that while a joint agreement was in place, there was no specific school division policy clarifying this arrangement other than the KSD Community Use of Schools policy.. At its initial meeting, the Policy Committee discussed the current operation with the two principals concerned, and set out to obtain additional information in order to make a recommendation to the Board.

C. Issues Involved

While much of the Sportsplex operation since 1975 has been a harmonious and mutually beneficial one, the introduction of a skateboard park adjacent to operating schools has had some contentious episodes, as noted earlier.

1. The Need for School Use and Jurisdiction

During the school year, schools need access without restriction to some areas of the Sportplex grounds for various school activities and programs. This is important for some components of the physical education programs, especially at the secondary level. Accommodations in the use of specific facilities like the tennis and basketball courts already have evolved over the last twenty years. One supervision problem has been due to non-students, suspended students, truant students or others who argue that since they

were “off school property” they can hang around and cause problems for teachers (or students) conducting classes in the grounds adjacent to the schools. Use of the RCMP in extreme cases has been needed, but more often teachers or school administrators are called upon to encourage these “observers” to leave. No-trespass letters have also been applied by school administrators and, as needed, enforced. This situation has diminished in recent years since physical education teachers made the decision to remove tennis from the options taught and to limit basketball instruction within the confines of the school gymnasias. On occasion, school staffs have had to direct people away from the KSD students using the grounds, as is done at all other public school playgrounds. The recent raising of the Manitoba compulsory school age up to 18 years of age may reduce the number of underage non-students trying to access the adjacent grounds during school hours.

Scott Bateman Middle School has used the skateboard facility about four times a year when they run “exploration day” activities. The SBMS administration states that a few times they have asked non-students to vacate this area of the Sportsplex. When occasional fights occur in this area, school staff feel it necessary to intervene when it occurs on school days and when students are en route to/from school, as required by provincial legislation. There is some confusion by school administration as to which agency has legal jurisdiction and liability for individuals using this facility during school day noon hours.

When the issue of the skateboard park was discussed with the 2013-14 MBCI Student Council executive in June 2014, they noted the various problems (graffiti, litter, use during the school day by truants or suspended students). They felt that students would not want to see an expansion in the current area if it meant the loss of basketball courts used by MBCI students in warmer weather.

The location of the community walking path that directs people through School Division property during school hours has been less of a problem as usually these walkers are adults and they do not tarry en route.

2. Student Safety Issues

With illegal drug use in the community and the desire of a criminal element to involve young people in the sales aspect, school personnel have had to increase their awareness and surveillance of school areas, including adjacent “school” grounds, in order to protect the students legally in their care (“in loco parentis”). When occasional fights erupt, staff have had to intervene when their students are involved, a serious responsibility. When town students have utilized the skateboard park on school days during the times when they are not required to be on the immediate school grounds, activity without wearing helmets raises the possibility of injury and law suits for an area unsupervised and uncontrolled. An enlarged and potentially more dangerous skateboard park facility would add to the concern unless there are better standards and/or controls. Conflicting jurisdictional beliefs add to the confusion.

3. Future Needs of KSD

The Goldie Goldstrand Track and the adjacent track & field facilities are important for the

SBMS/MBCI physical education program. As the best track facility available in northern Manitoba, the Sportsplex grounds have attracted the annual Manitoba High School Athletic Association (MHSAA) northern Zone track meets for several years, bringing more than 100 athletes to The Pas for a May weekend. Recently community fund-raising efforts have begun with the goal of providing a significant improvement to the running track. As a primary user of the track, KSD should consider how it can support these financial efforts.

The Board of Trustees has a fiduciary responsibility for the future needs of the School Division, and can not focus only on the short term needs of a segment of the public. For many years the limitations of a 1960s ad hoc arrangement for the vocational education programme delivered through the local college raised the possibility of the potential development of a technical vocational facility adjacent to the high school. The change of the college to university status and an increase in its post-secondary students resulted in greater difficulty for University College of the North to deliver the programmes needed by high school students. All the other northern Manitoba school divisions/district have built their own vocational facilities. A recent renewed agreement negotiated with UCN to provide a range of vocational courses to high school students may have lessened the need of the Kelsey School Division to consider an expansion of MBCI for such a purpose.

A current concern is the lack of sufficient staff/parent parking at Scott Bateman Middle School. If the KSD were to address this issue, there could be an impact on usage of the grounds adjacent to that school.

In October 2014 efforts to clarify existing property ownership and property lines via the Manitoba Land Titles office have not been too helpful.

D. Conclusions

1. The School Division needs to be clear on the extent of its property ownership.
2. The development of an enlarged skate park facility is not an issue with the Board of Trustees of the Kelsey School Division. The trustees see the benefits of an improved sports facility, especially if safety and operational protocols are enhanced. The preference of the school board and the administration of the adjacent schools, however, is that the best location of an enlarged and permanent facility is further away from the schools.
3. The current skate board park, for the time being, has been accommodated, though some problems have to be identified and dealt with by the parties responsible for the Sportsplex grounds. As long as current use continues, those responsible for operational standards and site cleanliness need to carry out their responsibilities expeditiously.
4. The instructional use by SBMS/MBCI students of the basketball and tennis courts has been curtailed by changes in programme choices made by the schools.
5. The jurisdiction of the schools adjacent to the Sportsplex over these sports grounds during school hours flows from the legal responsibilities of school officials during

school hours. This is a reasonable requirement and has been a long standing element of the joint operational agreement and the development of lands that are, in part, deemed to be school division property.

E. Recommendations

1. Adult use of the current skateboard park could be accommodated with the development of a protocol and booking procedure through the Kelsey Recreation Commission. SBMS's use could be booked with KRC for those times when its school programming includes the skateboard park. MBCI's use of the sports ground facilities should be considered a priority during the school days or track meet activities when it is required. Use by other recreation groups during school hours should require MBCI approval. Above all, the security and safety of students should be a primary consideration.
2. Any misunderstanding by the public on what "limited access" means, should be addressed.
3. The shared services agreement with the Town of The Pas should be replaced with one component specifically aimed only at recreational use facilities. As part of an updated joint use agreement between KSD and KRC, the following should be considered, and become clarified as well in school division policy:
 - a) how the specific event use and/or redevelopment of the Sportsplex grounds are to be determined,
 - b) how specific events needing Sportsplex facilities are identified and booked by the adjacent schools (or other recreational groups) and/or the Kelsey Recreation Commission,
 - c) how the schools' priority requirements can be managed so as to provide a broader use by community adults when the Sportsplex grounds are not in direct use for school activities, events, recesses, and student instruction, and
 - d) how to retain a "security zone" adjacent to Scott Bateman Middle School during school days.
4. The School Division should attempt, within its budgetary limitations, to assist with the financing of the proposed capital upgrade to the running track.
5. If it is determined that an expansion of the Skate Board Park is acceptable only in the current location, it should require (for student security and liability requirements) that it be sufficiently fenced off from direct contact with school activities and KSD students.

November 10, 2014 (10:23pm)