



MEMORANDUM

TO: ALL MEMBER SCHOOLS: PRINCIPALS & ATHLETIC DIRECTORS
FROM: JORDAN ABNEY, EXECUTIVE DIRECTOR
SUBJECT: ONE YEAR BRIDGE AMENDMENT, AGM MOTION #40
DATE: NOVEMBER 5, 2018
CC: SUPERINTENDENTS, ASSOCIATION PRESIDENTS, BCSS SPORT COMMISSIONERS

On behalf of the BCSS Board of Directors, the purpose of this memo is to update the membership on the outcome of ongoing discussions regarding Motion 40 that was passed at the 2018 BC School Sports AGM.

Motion 40 consisted of two additions to BCSS policy that restricted participation from any international or boarding student who received any funding in the form of scholarships, bursaries, or financial aid from the school or any related 3rd party. It is currently in effect as noted in the memo distributed on August 14, 2018.

Shortly after this motion was passed by the membership, BCSS received inquiries from member schools, especially those with boarding facilities on how this policy was to be interpreted and how it would be applied. It became clear that the effects of this motion would be quite broad and affect many students across the province.

The BCSS Board and representatives from the Independent Schools Association of BC (ISABC) of which 6 out of 7 boarding schools in BC are members of, began meeting in late June, opening a discussion to understand the concerns, and effects of the new policy. In addition, the Board had our legal counsel prepare a legal opinion for the Board to assess the risk presented to BC School Sports should this be challenged in a court of law.

The Board was navigating a very difficult circumstance, where a motion was passed overwhelmingly and the Board felt a duty to respect the membership's wishes, but also realized there was a very real chance that it would end up costing the membership anywhere from \$60,000 - \$100,000 in legal fees. Additionally, the motion would prevent hundreds of students around the province from participating, while also unfortunately, identifying those students who were receiving financial aid amongst their school community.



It should be noted that throughout this process, the member schools with Boarding facilities, as well as representatives from ISABC were continually supportive and displayed the utmost professionalism and respect to BCSS. In fact, some Heads of School explicitly stated their school would not be pursuing legal action, despite the effects of the motion, as they felt it was not in the best interests of any member school to be pursuing litigation within against its own organization. However, this did not eliminate the likelihood of individual parents pursuing action, against the school's wishes.

Ultimately, the Board arrived at a conclusion that the best solution would be where the original intent of the motion was respected and implemented, the widespread impact was lessened, while allowing some time for a more tenable long-term solution to be found while avoiding or minimizing the likelihood of costly litigation against the organization and its member schools.

The Board recognized that while the authors of this motion were motivated by some of the perceived actions of schools in respect to boys' basketball rosters, that the motion passed overwhelmingly more as a result of the frustration that has existed and continues to exist with the inequities perceived between independent and public schools in all tiers across all sports.

While these discussions regarding Motion 40 were happening, two other critical pieces were happening within BCSS. The first being a comprehensive study on the representation and outcomes at provincial championships, relative to the balance of teams registered by independent and public schools. The second, being the creation of a new standing committee of BC School Sports, the Competitive Fairness Committee, which is now formed and will begin work immediately. The mandate for this committee is to examine all issues related to BCSS policy as it pertains to the goal of maintaining competitive fairness and equity. This committee will not be limited to just this issue, but it will be the first order of business for the committee to examine and make recommendations to the membership for approval. This committee will include representation from independent and public schools, from the district, school leadership and athletic director levels, but also provide representation based on school size and geographical region.



Conversations continued between the Board and representatives from the independent schools until the Board felt it had reached a reasonable position that achieved all the goals as noted above and was in the best interests of all the member schools.

The Board has approved a bridge amendment that will be in effect only for the 2018-19 academic year, at which point, the policy will revert back to its current language as passed unless the policy is removed or altered through the normal process at the 2019 BCSS AGM. Policy 38.1.3.2d and 38.1.3.3.d will now indicate that: any student who is eligible as an international student or as a boarding student, must pay a minimum of \$26,000 after any scholarships, bursaries, or financial aid is applied to the total cost of enrollment at the school.

The dollar figure was arrived at after assessing what international students are required to pay to school districts in a public education setting, and the \$26,000 appeared to be on the upper end of the range when considering education and home-stay costs. Therefore, any student who is eligible as an international student whether attending a public or independent member school, will have paid a minimum of \$26,000 after any form of assistance or financial reward. This will also prevent schools from bringing in athletic talent and providing full tuition relief in the form of financial aid, which honours the authors' primary intent and motivation for the authoring of the motion. To that effect, the Board also consulted with the authors, and they have expressed their support for this bridge amendment for the duration of the academic year, in an attempt to allow the committee to find a more tenable solution and examine all aspects that may be affecting competitive fairness.

A positive that has come out of this very difficult process is that for the first time in perhaps the history of BC School Sports, our independent member schools, are at the table, understanding some of the issues and frustration more than ever before. There is genuine concern from ISABC and their member schools and a real focus on being part of the solution, rather than a source of frustration. As a good-faith gesture to indicate to the membership a new focus and direction, you will find enclosed a letter signed by the four Heads of Schools from four schools involved throughout our discussions that expresses understanding to the issues and a commitment to being part of a solution so that BC School Sports as an organization comes away stronger. The Heads have respectfully asked that the letter be kept within the BCSS community.



Secondly, Shawnigan Lake School has voluntarily withdrawn its Sr. Boys Basketball team from zone and provincial competition this year. These are both highly commendable actions, and the Board is keen to take advantage of an opportunity to strengthen BCSS by the eager participation of members, both independent and public.

The Board is extremely aware that this situation is highly unusual, and they have attempted to find a solution that recognizes the intent of the motion, honours the wishes of the membership, minimizes legal risk to the membership, and allows for all member schools to work together to find sustainable solutions to problems that have been lingering for years without any targeted effort towards a solution.

It is the hope of the Board that the membership will see this as responsible and reasoned leadership, and ultimately support its decision. As usual, we are available in the office to answer any questions you have. Please don't hesitate to reach out to us on any matter. We are here to help you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan Abney".

Jordan Abney
Executive Director