

# WESTERN Standard

## HILTON-O'BRIEN: Whose kids are they, anyway?

*In loco parentis*. In the old language of law, it means “in the place of the parent.” It has been used in the past to describe the role of the teacher, of the school, and of the school board.

Good words.

For the last week, our screens have been filled with images of a shop teacher in Ontario wearing prosthetic breasts of epic proportions. In a move more *loco* than *parentis*, the schoolboard chose to defend the employee. At first, they hid from parents and the media, claiming it was a “[personnel matter](#).” When they did respond to journalists, their board chair said that they were “[standing behind the teacher](#) in the name of protecting ‘gender rights.’”

The first voice of reason in all this was [Minister Stephen Lecce](#), who called for a professional standards review. The question in the back everyone’s mind is this: Why didn’t the school board make this call?

After all, that school board chair is no slouch on academic matters. [Margo Shuttleworth](#) is a past Vice-Principal, a qualified inspector of educational services, and a Professor of Education at Brock University. She’s in her second term and boasts that her board has given recognition to “underrepresented communities.” She says, “I have spent my entire professional life advocating for [inclusive learning environments](#).”

That may be the problem.

As Will Rogers said, “there is nothing as stupid as an educated man, once you get off the thing he was educated in.”

When controversy arose, the experts in “inclusion” assumed it was all about “gender rights.” It isn’t. The fact that the pictures of the incident look more like a burlesque than a lesson is a clue. Something other than normal classroom education was happening here.

Deeper than that, the Board lost sight of whose agent they were.

Are they responsible to their staff?

Are they responsible to sexual and gender minorities?

Or are they responsible to the families of the children they teach, and the people who elected them?

Under *in loco parentis*, the answer is clear. The school board is responsible to parents. Not to principles such as inclusion, not to their staff — not even to the kids in their schools. Rather than accept their responsibility to parents however, the board has apparently embarked on a program of intimidation. A letter sent out by the board to parents implied that it is [illegal even to suggest](#) that the teacher’s garb was inappropriate

The Board is claiming power over the parents.

This attitude, unfortunately, may not be limited to Ontario. The Alberta Teachers’ Association (ATA) claims that teachers are actually supposed to act *in parens patriae*, as agents of the state, rather than as agents of parents. Citing the Youth Criminal Justice Act, they claim this means they have to protect the [rights of the student](#).

In another document, the ATA claims that in Alberta’s Education Act “the teacher has been judged to be [acting as an agent of the state](#),” like a social worker or law enforcement officer. The ATA document explains that *in loco parentis* was how teachers were “traditionally” supposed to act — not how they are supposed to act now.

From Oakville to Edmonton, the question is who the school boards and teachers are acting for.

Nobody is arguing that members of sexual and gender minorities (SGMs) shouldn’t be protected from discrimination, and it is a straw man argument to claim otherwise. The problem is that SGMs have been invoked to justify teachers and schools not acting as agents of the parents. When we look at things like “safe and caring policies” in places like Alberta school boards, we find directives such as “notification . . . shall be limited.” This is about power, plain and simple, and who accounts to whom for it.

It is time for school boards to return power to parents and represent their interests. Doing so prevents ethical blunders by making it clear to whom teachers and school boards are responsible. It may even minimize the chances of teachers and school boards turning our news cycles into something more resembling Monty Python than serious scholarship. Long live *in loco parentis*.

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