

Saskatchewan appeal court hears case of disabled student suspended for swearing

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Saskatchewan's highest court is dealing with the case of a Prince Albert couple who say their son was discriminated against when he was sent home from school for swearing in 2000.

A three-judge Saskatchewan Court of Appeal panel heard arguments Tuesday in the case of Travis Mahussier, who has Williams Syndrome, a rare genetic disorder.

The disorder affects people differently, and in Mahussier's case it has left him anxious, sensitive to sound, and limited in his speech, court has heard.

When Mahussier swore at school in May 2000, when he was 12, his school in Prince Albert gave him a three-day suspension.

His parents said the Prince Albert Roman Catholic School Division didn't reasonably accommodate their son. The school division, however, said it wasn't discrimination and the school reacted as it would with any student swearing at school.

A human rights tribunal ruled in favour of the school division, a decision that was upheld by the Court of Queen's Bench. A Queen's Bench ruling said it wasn't demonstrated that swearing was part of his disability.

The lower court decision set the stage for Tuesday's hearing before the Saskatchewan Court of Appeal.

Parents have support

The Saskatchewan Human Rights Commission is taking the parents' side.

"Our view is that that is not in keeping with human rights principles," commission lawyer Janis Gingell said. "General rules, or what we refer to as rules of general application have to take into the account the individual needs of children."

In the eight years it's taken for the case to work its way to the courts, Mahussier has remained a student in the same school division his parents have a complaint against. He's now 20.

Tim Jelinski, the director of education for the school division, said while the complaint has been made and has to run its course, he agrees that every student has a right to an education.

The appeal court reserved its decision.