

Court to rule on ATA challenge March 1

Chief Justice Wachowich will provide a decision at 11 a.m. March 1 about the ATA's challenge to the Government of Alberta's use of an emergency declaration to send teachers back to work. Watch your e-mails for news regarding his decision Friday.

In court February 25, lawyers for the ATA focused on three arguments:

1. fairness required that the Minister of Human Resources and Employment meet with the ATA and accept their background materials before the emergency issue was considered by cabinet.
2. Cabinet was required to individually consider each of the 22 labour disputes and must be assumed to not to have done so by reference to the Order in Council which refers to "a dispute" and also because the materials considered by Cabinet are not divided up into separate jurisdictions and facts related to each and
3. the fact that there was no emergency on Tuesday makes it difficult to sustain the assertion that there was an emergency on Thursday when nothing seems to have changed in the interim.

Lawyers for Alberta Justice focused on the following arguments:

1. Cabinet in fact did consider individual disputes, though it also quite properly was even-handed as between jurisdictions
2. the threshold for the Court to intervene in a decision by Cabinet is very high and the ATA has not come close to meeting at threshold in either evidence or submissions.

Chief Justice Wachowich asked very few questions, though he did state that he was not planning to deal with the first issue raised by the ATA because there was not enough time to do it justice.

Education in Speech from the Throne

Lt. Governor Lois Hole dedicated a page in the Speech from the Throne to "A Healthier Alberta Through Learning" including the words, "In the coming year, the government will share and discuss a renewed vision for the kindergarten to Grade 12 learning system, which emphasizes building basic skills in the early grades and more specialized skills as students move through the system."

Asked about a Mazankowski style-review of public education, Premier Ralph Klein replied, "It's getting wheels. There's more and more informal talk about doing a Mazankowski-style commission into education. There's been no formal discussion vis-a-vis that specific recommendation. It's something that might happen down the road, but I don't think that now is the appropriate time to launch that kind of a study when we are in the midst of such labour turmoil." Asked if it could occur later this year, Klein replied, "It could be, yes."

Education funding was referenced in the section about the economy, specifically: "This fundamental strength of Alberta will allow government to invest in spending increases in Albertan's priority areas, including Health, Learning and Children's Services – increases that will be greater than the inflation and population growth rates, and which will all contribute to people's health."

ASBA making changes on insurance front

In the wake of the presidents of ASBA, AUMA and the AAMD&C deciding January 30, 2002 to seek the dissolution of ALARIE and recent changes in operation at JRIE which are also a source of some concern, the ASBA Board of Directors passed the following motions at its February 14/15 meeting. While options are being explored, school boards will continue to have coverage.

ALARIE

1. That ASBA work to achieve an orderly wind-up of ALARIE in a way that protects our members' insurance and equity.
2. That the Executive Director complete a conceptual plan to operationalize the following options, including communications with our members, and report back to the board:
 - a) Provide liability insurance to school boards through a cooperative arrangement with AUMA.
 - b) Endorse some other commercial option, or
 - c) Establish our own reciprocal.
3. If it should turn out that none of the above options are viable, that ASBA remove itself entirely from the liability insurance business and make no endorsements.

JRIE

1. That ASBA work toward ending its involvement in JRIE at the earliest possible opportunity and maximizing the equity returned to subscribers.
2. That ASBA include the ALARIE advisory committee members in the upcoming JRIE planning session (March 8) and that the planning program be devoted to exploring the options for discontinuing our involvement in JRIE/ALARIE.