

COURT RULES BILL 205 CONSTITUTIONAL

On May 1, the Alberta Court of Appeal ruled that recent changes to the Local Authorities Election Act, which preclude school board employees from serving on school boards, were constitutional.

The May 1 ruling overturns a September 2004 Court of Queen's Bench decision by Madam Justice Sulyma, who found after hearing from a group of employees who are sitting trustees, that the amendments infringed on their freedom of expression guaranteed under the Canadian Charter of Rights and Freedoms.

Bill 205, which was passed in 2004, amended the Local Authorities Election Act to put tighter constraints on who could run for a school board. Before Bill 205 was passed, school board employees were only precluded from serving on the school board that employed them.

In its May 1 ruling, the Court of Appeal held that the changes to the Local Authorities Act did not infringe freedom of expression or the right to equal treatment under the Charter.

The court found that while seeking election to a school board is a form of expressive activity, it is a statutory platform for expression and not a fundamental freedom protected by the Charter.

The Alberta Teachers' Association will seek leave to appeal this ruling to the Supreme Court of Canada.

See the May edition of the ASBA *At Your Service* newsletter, posted on the ASBA website, for information about this issue and other developments on the legal front.

ASSOCIATION TO REVIEW GOVERNANCE NEXT YEAR

At its May meeting, the ASBA Board of Directors approved the broad strokes for a review of the association's governance practices.

The review, which will look at the ASBA's governance structures, processes and the formula for assessing fees, will get underway in September 2006.

Under the proposal adopted by the board of directors, school board chairs will play a central role in this review as outlined below:

- ◆ the governance review will be facilitated by an external consultant, who will work directly with school boards
- ◆ the process will be launched with a meeting of board chairs in September 2006
- ◆ board chairs will consider and approve terms of reference for the governance review
- ◆ the study will be participative and interactive and invite the views of school boards on the key issues

ASBA PROPOSES NEW APPROACH TO CEU MONITORING

In light of concerns raised by school boards about the current process for monitoring Credit Enrolment Units (CEUs) – which can result in school boards facing significant funding claw-backs after the money has been spent – the ASBA is proposing a new approach to the provincial government.

The ASBA Board of Directors adopted the following proposal which includes:

- ◆ introducing a new CEU monitoring system for the 2006-2007 school year
- ◆ spelling out criteria for CEU funding clearly and addressing any ambiguities
- ◆ creating a neutral final appeal board (made up of three members acceptable to Alberta Education and the ASBA) available to school jurisdictions who disagree with a ruling by the assistant deputy minister, System Improvement and Reporting Division

HAVE YOU HIRED A NEW SUPERINTENDENT RECENTLY?

See the May edition of the ASBA's *Communications Help Now* for practical strategies school boards can use to introduce and welcome a new superintendent to the jurisdiction. ***Are you a senior administrator, who is new to a jurisdiction?***

See the May edition of the ASBA's *Communications Now* for a list of do's and don'ts that will help you make the transition to a new role smoother.

As a service to school boards, the ASBA circulates a monthly package of communications tips and ideas especially for school boards. Contact **Kim Ayers** kayers@asba.ab.ca for information about who is the key contact for your jurisdiction, so you can be added to the local circulation list for this publication.