

legislation that has affected school boards

The School Act sets out how school boards do business. The legislature may change the School Act. Visit www.qp.gov.ab.ca/Documents/acts/S03.CFM for a copy of the current School Act.

In 1970...

The 1970 School Act gave school boards more decision-making authority by requiring every school jurisdiction to replace the previously provincially-appointed superintendent with a locally-appointed superintendent. **Update:** In 1994 the legislation changed to require the superintendent to provide information about the implementation of ministerial policies and direction. The superintendent reports to and is accountable to the school board.

In 1988...

Expectations of student conduct articulated

The School Act describes expectations for student behavior. Students are to be diligent in pursuing their studies, attend school regularly and punctually and comply with the school rules.

Process for suspending and expelling students established

The process for suspending and expelling a student is described in the School Act. If a suspended student is not to be reinstated within five school days of the date of the suspension, the principal writes a report about the suspension and makes a recommendation to the board as to whether the student should be reinstated or expelled. Within 10 days of a principal's recommendation to expel a student, the board either reinstates or expels the student. The school board may only expel the student if the board has offered the student another education program.

School councils introduced

According to the School Act, a school council shall be established for each school. The majority of the school council members must be parents of students enrolled in the school. The role of the school council is described in the School Act. The school council's functions are discretionary rather than mandatory. **Update:** New regulations introduced in July 2007 describe the school board's responsibilities to school councils. Section 13 of the new regulation says:

- the school board must provide the school council with an opportunity to provide advice on the development of the school's mission, vision, and philosophy, policies, annual education plan, annual results report and budget.
- the school board must provide the school council with the school's provincial testing program results and other provincial measures and a reasonable interpretation of those results and measures.

- the school board must allow the school council free and full access to timely and accurate information of the board that is publicly available including board policies and board meeting minutes.

School choice enshrined in Alberta's education system

The School Act provides for the delivery of the following alternatives within Alberta's education system: francophone school boards, private schools and charter schools.

Process for appealing a school board decision

Section 123(2) of the School Act says that where a decision of a board employee significantly affects the education of the child, the parent (or student who is 16 years of age or older) may appeal that decision to the board within a reasonable time.

If a decision is appealed, the board may make any decision it considers appropriate. The minister of education may review a school board decision about the placement of a student in a special education program, a section 10 matter (French language instruction), home education, student expulsion or the amount and payment of fees or costs. The minister of education may also review a matter as requested in accordance with the School Act or its regulations and may review the matter in any manner he considers appropriate.

In 1994...

Legislation introduced in 1994 resulted in a major restructuring of the governance, funding, delivery, and results measurement of Alberta's education system.

Number of school boards cut

School boards were reduced from 141 to 57: 41 public school boards and 16 separate school boards. Today, there are 41 public school boards, 16 separate school boards and five francophone school boards in Alberta.

Funding for school boards changes

Before 1994, school boards requisitioned tax dollars directly from their local municipality(ies) to partially fund education. The Alberta School Foundation Fund (ASFF), which sees corporate and residential tax dollars from across the province pooled, and redistributed to school boards on an equal per student basis was introduced in 1994. As a result, public school boards, with one exception, lost the right to requisition taxes directly from their local municipality(ies). Separate school boards retained this right.

Note: The total amount of tax dollars available to school boards is the same whether the board requisitions their local municipality directly or accesses the dollars from the ASFF.

School boards may seek special levy in an election year

All school boards have the right to hold a plebiscite every three years to ask the electorate to approve a special school tax levy. In each year, this levy cannot exceed three per cent of the board's budget for the year, in which the resolution is passed.

In 1999...

School board's duty to ensure safe schools

Section 45(8) of the School Act states that a board, "shall ensure that each student enrolled in a school operated by the board is provided with a safe and caring environment that fosters and maintains respectful and responsible behaviours."

In 2001...

Changes to the School Act:

- abolished the School Buildings Board. Decisions about school construction are based on priorities identified by the minister of education, based on school board submissions and jointly announced by the minister of education and the minister of infrastructure and transportation.
- clarified the process for establishing charter schools and encouraged better links with public and separate school boards in order to meet diverse student needs and parental expectations through the provision of alternative programs
- ensured public and separate school supporters are assessed the same property tax rates
- clarified the regions governing francophone education and ensured students have access to the linguistic and denominational rights guaranteed by the Constitution of Canada
- introduced alternatives to the existing separate school establishment process, calling for more cooperation between public and separate jurisdictions
- make it mandatory for a superintendent to report in writing to the Registrar about the suspension, termination, resignation or retirement of a teacher if this job-related action results from conduct that brings into question the suitability of the teacher to hold a teaching certificate. If such reports are made to the Registrar, the board is also required to make a complaint about the teacher's conduct pursuant to section 24 of the Teaching Profession Act.

In 2004...

School board employees must seek leave of absence to run

School board employees cannot run for school board while employed by a school board, unless they are on leave and if elected, the employee is deemed to have resigned. Before this 2004 change, recently upheld by the Supreme Court of Canada, school board employees were only precluded from seeking election to the school board that employed them.

The School Act changed to

- allow school boards or principals to require teachers to participate in curriculum development and field testing of new curriculum; develop, field test, and mark provincial achievement tests and diploma examinations and supervise student teachers
- enable school boards to delegate the power to suspend or terminate a teacher to the superintendent
- clarify an exception to the residency issue for a student who is under 16 years of age and not the subject of an order or an agreement under the Child, Youth and Family Enhancement Act
- update the scope, process and functionality of the Board of Reference, which hears disagreements between a school board and a teacher about the termination of employment, suspension, or termination of a designation of a teacher

The Teaching Profession Act changed to:

- make the Alberta Teachers' Association (ATA) responsible for assessing the professional competence of its members through a professional practice review process. This process is described in the ATA's bylaws and is subject to ministerial approval.
- allow teachers, who carry out central office functions and who are not otherwise engaged in carrying out teaching functions, to opt out of membership in the ATA
- allow the minister of education to designate or otherwise describe the teachers who are eligible to choose to opt out of membership in the ATA

In 2005...

Rules set for ministerial approval for disposition of school board property

Section 200 of the School Act and the Disposition of Property Regulation describe in what circumstances a school board must seek ministerial approval regarding the disposition of its property. In terms of real property, school boards may be required to seek the approval of the minister of infrastructure and transportation.