

January 20, 2011

Mr. Keray Henke  
Deputy Minister  
Alberta Education  
7<sup>th</sup> floor; Commerce Place  
10155 – 102 Street  
EDMONTON AB T5J 4L5

Dear Keray:

**RE: Education Act 2011 Proposed Framework – Trustee Appointments**

As noted in my letter to you dated January 18, 2011 in Part 4 – Governance and Roles, #6 - Trustees, the Alberta School Boards Association's comments regarding trustee appointments are as follows:

Notwithstanding that ASBA is concerned that the appointment of trustees weakens the democratic foundation of school boards, if the government proceeds with providing for trustee appointments in the *Education Act*, the ASBA wishes to ensure that school boards, elected by and accountable to their own communities, are the only organizations which can make this decision. The ASBA is confident that its member boards in consultation with, but not under the direction of, the Minister, can determine whether a trustee from an underrepresented group should be appointed or whether an appointment should be made in the event that no eligible candidates file nomination papers after one by-election. To require two attempts at by-elections would amount to a considerable drain of a school board's resources. Therefore, with respect to the bullets contained in the proposed framework, the ASBA offers the following language for consideration:

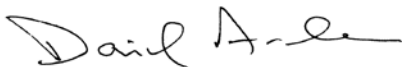
- Where a vacancy has occurred between elections, and in the event that no eligible candidates file nomination papers after one by-election is attempted in accordance with the *Local Authorities Election Act*, a board, at its sole discretion, may decide to appoint a trustee. If a board, at its sole discretion, decides to make such an appointment, the board will consult with the Minister. Any such appointment by a board shall be subject to the terms and conditions set by the board.
- Where an education services agreement exists between a board and a First Nation band and is in good standing, the board, at its sole discretion, may

decide to appoint a trustee representing the band subject to the terms and conditions agreed to by the board and the band. If a board, at its sole discretion, decides to make such an appointment, the board will consult with the Minister and the band.

- Where there are underrepresented groups, a board, at its sole discretion, may decide to appoint a trustee. If a board, at its sole discretion, decides to make such an appointment, the board will consult with the Minister. Any such appointment by a board shall be subject to the terms and conditions set by the board.

Again, should you have any further questions or seek our assistance with respect to our comments above or any of our comments in our previous submissions, please do not hesitate to contact me.

Yours truly,



David Anderson  
Executive Director

DA:mj

c.c.: Ms. Maureen Towns, Director, School Act Review  
Legislation Services Branch, Alberta Education

Mr. Michael Walter, Assistant Deputy Minister  
Strategic Services, Alberta Education

ED/B/J/X