




a guide to trusteeship and school boards in Alberta



Serving  
on  
school board

## welcome new and returning school trustees.....

This orientation package provides an overview of the role of school boards, the Alberta School Boards Association (ASBA) and Alberta's public education system. It includes articles describing how provincial funding is distributed to school boards and summarizing legislative changes that have affected how school boards do business. Newcomers to the education field will find the acronyms and jargon sections useful, and veterans and newcomers, alike, will find the *Frequently Asked Questions – a Legal Perspective* section a helpful read. For information about emerging trends, position papers and the ASBA's advocacy positions, visit the association website at [www.asba.ab.ca](http://www.asba.ab.ca). Providing timely information to public education's decision-makers is a cornerstone of the ASBA's work and the association website is a core vehicle for fulfilling this mandate.

Published October 2007

*Serving on school board – a guide to trusteeship and school boards in Alberta* was prepared by ASBA Communications.

For more information please contact the ASBA at 1.780.482.7311.

# table of contents

- about the Alberta School Boards Association .....6
  - Meet the ASBA Board of Directors .....14
  - Meet the ASBA Zone Chairs .....16
  - Meet the ASBA Staff .....17
  
- what do school boards do?.....19
  
- what to expect at your first board meeting.....28
  
- paying for public education .....32
  
- legislation that has affected school boards .....38
  
- history of public education in alberta .....42
  
- acronyms .....44
  
- jargon.....47
  
- who’s who in education .....55
  
- frequently asked questions – a legal perspective .....60
  - 1. Where does the board of trustees get its authority from? .....60
  - 2. What authority does the School Act grant to the board of trustees? .....61
  - 3. Can and how does the board of trustees delegate authority? .....62
  - 4. What is a school board hearing? .....63
  - 5. What if I know the person appealing a decision to the school board? .....64
  - 6. Are there formalities we must observe at board meetings? .....65
  - 7. Are school board meetings and hearings open to the public? .....65
  - 8. What, if any, information must be kept confidential? .....66
  
- at your service – ASBA staff contact list.....Inside Back Cover

## read this before filing papers

**Les Brost**

For The Calgary Herald

*Published: Monday, Sept. 17, 2007*

READER ALERT – This column is intended for the exclusive use of individuals considering first-time candidacy as municipal councillors or school trustees. Reading of this column by incumbent councillors or trustees may result in hairy palms or inveterate bed-wetting.

**Note:** *While you are reading this as an incumbent trustee, we felt Mr. Brost's thoughts would be worth considering as you enter the 2007-2010 term.*

Dear Mrs. Jones: Thanks for contacting the Old Prairie Dog's Political Consultancy Service. My political experience comes from 15 years as a school trustee, and work as a consultant to municipal councils. I have a PhD in Political Bullwhiz from the Hilda Hotel School of Advanced Political Discussion.

You're wise to get outside advice about running for local office in Beaver Flats. It's a big decision that doesn't get enough advance thought from most folks. To help you make the decision, I've put together six questions for you to consider.

### **No. 1**

#### **Are you considering running to "get someone"?**

Do you want to fire a municipal or school board employee – the municipal foreman who won't grade your lane or the bus driver that's forever ragging on your kids? If you answer, "yes" to this question, don't run for office. You are setting yourself up for disaster, for you cannot create a positive political career by focusing on negativity. Your colleagues will correctly see you as a one-trick pony and ignore the good ideas that you do have.

### **No. 2**

#### **Do you have a "burning agenda" such as crusading against sex education or market-value assessment?**

The cold water of boardroom reality usually douses "burning agendas". Please see the answer to Question No. 1 and follow the same course of action. You will be more effective as an advocate working from the outside.

### **No. 3**

#### **Do you know how to "play nice"?**

If you answer "no" to this question, elected office will be a very, very frustrating experience. The secret of political success lies in never – ever – taking it personally. That's hard to accept when someone is giving you the gears or stomping on your political bones. When that happens, keep on smiling while remembering that every dog has her day, and that what goes around usually comes around.

#### **No. 4**

**This is a question primarily addressed to folks thinking about running for a seat on the school board. Do you want to be a politician?**

If you answer "no" to this question, you shouldn't be a candidate. I've known a lot of school trustees over the years and have observed that successful trustees saw their job as being the political representatives of their entire communities on public school matters. Trustees who simply were "There for the kids" didn't do that well. Sometimes school trustees wonder why provincial politicians seem to have greater respect for municipal councillors than they do for trustees. It's because councillors understand that they represent entire communities and act accordingly, while too many trustees don't have that perspective.

#### **No. 5**

**Are municipal councillors or school trustees elected to govern?**

If you have answered "yes" to this question, you need to do some heavy-duty cogitating. Councillors or trustees thinking that they are elected to "govern" usually have very short political careers. Read my lips: You are not elected to "govern". You are elected to serve. There is a big difference. If you still want to govern, buy a guano island in the Caribbean and crown yourself emperor.

#### **No. 6**

**Do you really believe that you can make a difference for your community?**

If you answer "yes" to this question, then go for it! Our communities need more people like you. Remember that it won't be easy, for local politics is the toughest political game in town. That's why so many successful local political representatives end up in the legislature or in Parliament. It takes courage, commitment and a powerful belief in yourself to get you through the potholes on the political highway.

Mrs. Jones, local politics is a contact sport played with no padding. You will get hurt, and you will sometimes wonder if it is all worth it. Yet if you play hard and play smart, you will become one of a very elite group – a difference-maker for your community. Now get that campaign rolling!

Yours truly;  
Dr. Old Prairie Dog,  
Political consultant

P.S. Myron Thompson's new book, *Confessions of a Political Slickster*, has some great tips on kissing babies.

**Note:** Les Brost served as a trustee with the Prairie Rose School Division No. 8 from 1983 to 1998. He also served as a Zone 6 Representative on the Alberta School Boards Association Board of Directors.

## about the alberta school boards association

Established in 1907, the Alberta School Boards Association is celebrating its 100th year of service to the province's 62 school boards. Membership in the ASBA is voluntary – every francophone, public and separate school board in the province is a member of the ASBA. As well as serving school boards in Alberta, membership has been extended to the publicly supported school systems in the cities of Yellowknife and Lloydminster.

### How much are the membership fees?

---

School boards set the membership fees at the Spring General Meeting. Annual fees range from \$8,600 per board to \$214,000 per board. Visit the ASBA website at [www.asba.ab.ca/policy\\_framework/downloads/pdf/fees\\_07\\_08.pdf](http://www.asba.ab.ca/policy_framework/downloads/pdf/fees_07_08.pdf) for the fee schedule.

### What does the ASBA do?

---

The ASBA offers school boards

- the powerful advocacy opportunities that present themselves when school boards unite to lobby on behalf of the province's students and the communities they serve
- the services of a team of lawyers, negotiators and consultants, well versed in the culture of school boards, who are available to help with unique local challenges
- exclusive access to a suite of insurance, employee benefit and pension plans designed especially for school boards and their employees
- opportunities to network and learn at two annual meetings, regular Zone (regional) meetings and provincial issues forums
- timely information about emerging trends in education

6



ASBA Executive Director David Anderson has worked for the association since 1995.

## Through the ASBA, school boards may...

1. **Hire, on a fee-for-service basis**, ASBA lawyers, labour relations, educational and communications consultants for help with complex local issues. Some of the services the ASBA staff and consultants provide are:

### **Educational governance**

School board orientation: role of the board/role of the superintendent  
Administrative and governance issue reviews  
Board evaluations  
Business meeting procedures  
Conflict resolution  
Executive officer recruitment  
Policy advisory documents  
Planning and policy making  
Superintendent evaluations  
Team building

### **Labour**

Attendance management  
Employee discipline and corrective action  
Advice on corrective action and discipline  
Arbitration board appointments  
Collective agreement analysis, interpretation and research

Collective bargaining planning, advice and assistance  
Grievance advice and assistance  
Job classification advice, assistance and design  
Labour legislation analysis and interpretation  
Labour/employee relations training and facilitation

### **Legal**

Boards of reference  
Constitutional matters  
Contracts and policy review  
Grievance arbitration  
Human rights complaints  
Interpretation of legislation  
Labour and employment matters  
Litigation at all levels of court

### **Custom services**

The ASBA welcomes board requests for services other than those listed above. These may be provided on a custom basis. Contact ASBA Executive Director David Anderson at 1.780.451.7109 or [danderson@asba.ab.ca](mailto:danderson@asba.ab.ca).

### **Fee-for-service rates for 2007-2008**

Communications \$145/hr  
Education services \$175/hr  
Labour services \$145/hr  
Legal services \$175/hr

2. **Join employee benefit, insurance and pension plans** developed to respond to the unique needs of an educational setting
  - The Alberta School Employee Benefit Plan – available only to school boards who are members of the association
  - The Alberta School Boards' Insurance Exchange – an insurance program tailored to meet the needs of school boards
  - The Supplemental integrated Pension Plan – available to school boards who choose to participate

**3. Receive specialized research and information** to help them do their work locally including:

- *Labour relations research*: The ASBA keeps school boards up to date about collective bargaining by providing reports describing ratified settlements, salary levels, salary increases and settlement trends. Yearly, the ASBA produces a management compensation report, a teacher distribution report and a trustee remuneration report.
- *Communications Now*: The ASBA produces a monthly package of public relations and communications tips tailored to school and school board issues.
- *Hot News*: This e-letter provides school boards with information about emerging issues and news in education.

Make the ASBA website [www.asba.ab.ca](http://www.asba.ab.ca) your first stop for information about the association and the work it does on behalf of school boards.

**4. Learn from and network with school trustees** across the province by attending the ASBA's two annual meetings, regional meetings in each of the five Zones and by participating in issues forums which explore emerging issues of relevance to school boards as decision-makers.

## How is the ASBA governed?

---

### Who sets ASBA policy?

School boards set the policies that guide the work of the association and the ASBA Board of Directors in its decision-making. Generally, school boards make decisions about association policy at the Fall General Meeting. Policy may also be discussed the Spring General Meeting. The association's governance handbook is posted on the ASBA website at [www.asba.ab.ca/policy\\_framework/policies.html](http://www.asba.ab.ca/policy_framework/policies.html).

Because general meetings occur only twice a year, school boards have authorized the ASBA Board of Directors to direct the business and affairs of the association with the exception of the following decisions which rest exclusively with school boards attending a general meeting:

- Electing the president and vice-president
- Setting the association's annual budget
- Assessing membership fees
- Amending bylaws and requesting amendments to the constitution
- Setting policies and directives for action

Between general meetings, the ASBA Board of Directors may adopt interim policy positions; however these are subject to ratification by school boards at the next general meeting.

## Who governs the ASBA?

A 12-member board of directors governs the association.

This board is made up of

- President – elected by the whole membership
- Vice-president – elected by the whole membership
- Six Zone directors – elected by the Zone
- Four metro board representatives – elected by each metro board:  
Calgary Catholic, Calgary Public, Edmonton Catholic and Edmonton Public

**Note:** Representatives of the Alberta Catholic School Trustees' Association, the Public School Boards' Association of Alberta and the Fédération des conseils scolaires francophone de l'Alberta attend ASBA Board of Directors meetings in a non-voting capacity. The ASBA Board of Directors meets monthly. Board of directors meetings are open to all trustees. The meeting schedule is on the ASBA website at [www.asba.ab.ca/calendar/calendar.asp](http://www.asba.ab.ca/calendar/calendar.asp).



## What is the legal mandate of the ASBA?

The mandate and work of the ASBA are enshrined in legislation – the Alberta School Boards Association Act. This legislation sets out the objectives, powers and purposes of the ASBA.

- a to consider and deal with matters relating to education and school administration in Alberta with a view to the betterment of education for the benefit of the public;
- b to provide a medium for expression of the views and suggestions of the school boards of Alberta on matters pertaining to education;
- c to render advice and assistance to its members on matters affecting them;
- d to enter into arrangements for the provision of group benefits to its members and employees and the members and employees of other educational associations;
- e to co-operate with educational associations in Canada in matters of national educational interest;
- f to promote the interest of school districts and school divisions throughout Alberta;
- g to bring about, for the advancement and betterment of education in Alberta,
  - 1 the economical and efficient administration of the affairs of school districts and school divisions, and
  - 2 the economical and efficient performance of all duties undertaken by or imposed on school districts or school divisions;
- h to co-operate for the promotion, guidance and improvement of legislation on educational and school questions;
- i generally, to do all acts and things that appear to the association conducive to the good and welfare of
  - 1 education in Alberta, or
  - 2 any one or more school districts or school divisions, and
- j to do and perform all acts and things incidental to and necessary for the purpose of effecting any of the objects set out in this section.



## ASBA Foundation Statements

Over the last decade, school boards developed these foundation statements to articulate the association's mandate, mission and vision statements and guiding principles.

### **Mission Statement** *(Adopted SGM 2000)*

Promoting excellence in public education

### **Mandate** *(Adopted SGM 2000)*

The Alberta School Boards Association is a province-wide organization of locally elected school boards. Providing leadership focused on continuous improvement of the public education system, the Alberta School Boards Association:

- Advocates provincially and nationally on public education issues, with a strong voice, on behalf of locally elected school boards.
- Provides timely, well-researched information on public education issues to school boards.
- Encourages networking and interaction among school boards and stakeholders on education issues.
- Works with other provincial organizations, national education organizations and governments to improve public education.
- Provides services to school boards.

### **Vision Statement** *(Adopted SGM 2000)*

- ASBA is a respected and influential provincial association of locally elected school boards.
- ASBA supports publicly elected school boards in their efforts to ensure that students in Alberta have the opportunity to reach their highest potential.
- ASBA is the leading voice advocating for public education in Alberta.
- ASBA is energized by the enthusiastic participation of its members.

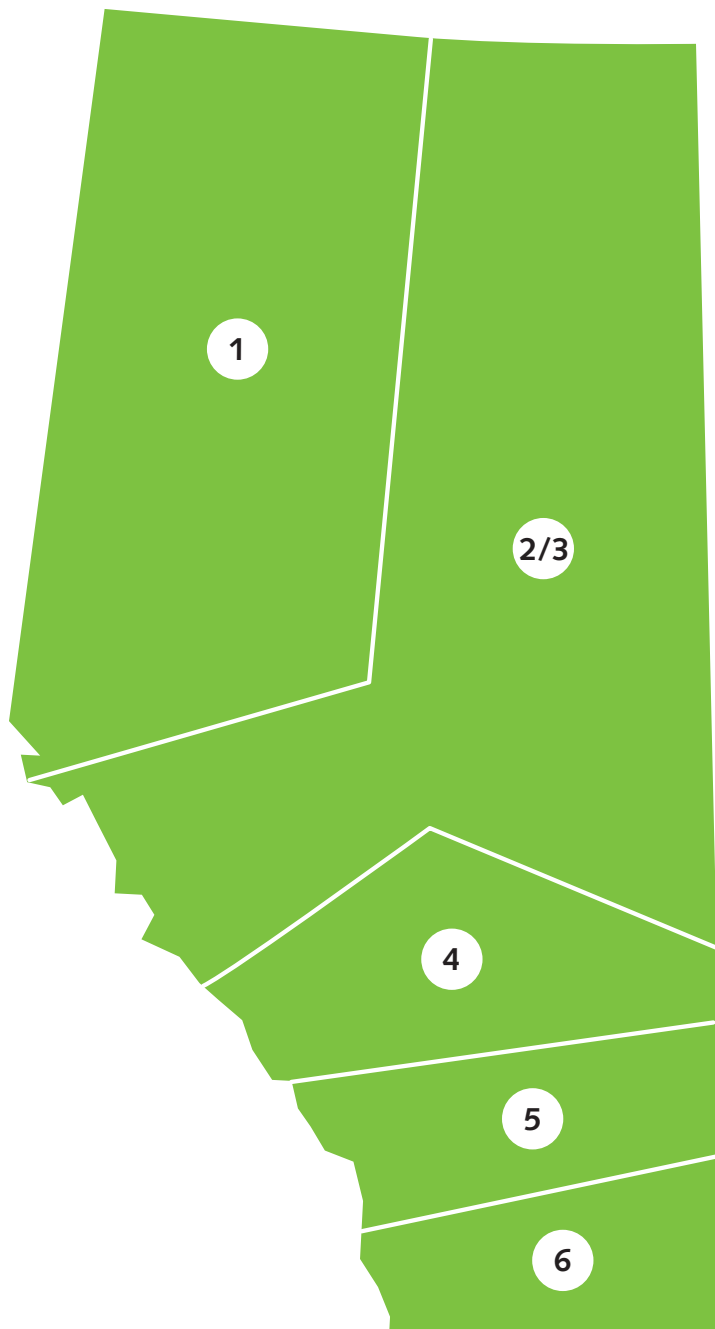
### **Guiding Principles** *(Adopted FGM 2000)*

Guiding principles are high level directional statements that define the Alberta School Boards Association's values and parameters.

- Public education – public, separate and francophone jurisdictions – must be governed by locally elected school boards.
- School boards must have the autonomy to make decisions in the best interests of the students and communities they serve.
- School boards must have access to equitable long-term stable funding to fulfill the mandate of educating their students. A portion of this funding must come from property taxes. *(Amended and Reaffirmed SGM 2007)*
- Direct access to the local property tax base and the ability to tax are fundamental to school board autonomy, accountability and responsiveness to their communities. *(Reaffirmed SGM 2007)*
- The Alberta School Boards Association will sponsor or provide input to any amendments to the School Act and regulations.
- School boards are responsible for communicating with their communities about the local public education system.
- School boards are responsible for providing quality public education to their students.

## ASBA Zones

Each school board is a member of one of the ASBA's five Zones. Trustees are welcome to attend Zone meetings which provide opportunities for information sharing, networking and trustee development. The Zones are a key internal communication link for the association. A member of the ASBA Board of Directors attends every Zone meeting to ensure two-way communication between the ASBA leadership and school boards. For more information about Zones, see the *Importance of Zones* document at [www.asba.ab.ca/index.asp](http://www.asba.ab.ca/index.asp).



### **Zone 1**

Serving nine school boards in north western and north central Alberta

Fort Vermilion School Division No. 52  
Grande Prairie Public School District No. 2357  
Grande Prairie RCSSD No. 28  
High Prairie School Division No. 48  
Holy Family Catholic Regional Division No. 37  
Northland School Division No. 61  
Northwest Francophone Education Region No. 1  
Peace River School Division No. 10  
Peace Wapiti School Board No. 33

### **Zone 2/3**

Serving 29 school boards in north central and northeast Alberta including two jurisdictions in the Northwest Territories and two partially in Saskatchewan

Aspen View Regional Division No. 19  
Black Gold Regional Division No. 18  
Buffalo Trail Regional Division No. 28  
East Central Alberta CSSR Division No. 16  
East Central Francophone Education Region No. 3  
Edmonton Catholic Separate School District No. 7  
Edmonton School District No. 7  
Elk Island CS Regional Division No. 41  
Elk Island PS Regional Division No. 14  
Evergreen CSR Division No. 2  
Fort McMurray RCSSD No. 32  
Fort McMurray School District No. 2833  
Grande Yellowhead Regional Division No. 35  
Greater North Central Francophone ER No. 2  
Greater St. Albert Catholic Reg. Div. No. 29  
Lakeland RCSSD No. 150  
Living Waters Catholic Regional Division No. 42  
Lloydminster Public School Division  
Lloydminster RCSSD No. 89  
Northern Gateway Regional Division No. 10  
Northern Lights School Division No. 69  
Parkland School Division No. 70  
Pembina Hills Regional Division No. 7  
St. Albert PSSD No. 6  
St. Paul Education Regional Division No. 1  
St. Thomas Aquinas RCS Regional Division No. 38  
Sturgeon School Division No. 24  
Yellowknife Catholic Schools  
Yellowknife Education District No. 1

### **Zone 4**

Serving eight school boards in central Alberta

Battle River Regional Division No. 31  
Chinook's Edge School Division No. 73  
Clearview School Division No. 71  
Red Deer Catholic Regional Division No. 39  
Red Deer Public Schools  
Wetaskiwin Regional Division No. 11  
Wild Rose School Division No. 66  
Wolf Creek School Division No. 72

### **Zone 5**

Serving 10 school boards in and around the City of Calgary

Calgary Board of Education  
Calgary RCSSD No. 1  
Canadian Rockies Regional Division No. 12  
Christ the Redeemer CS Regional Division No. 3  
Foothills School Division No. 38  
Golden Hills School Division No. 75  
Greater Southern Francophone Reg. Auth No. 4 (P)  
Greater Southern SC Francophone Ed Reg. No. 4  
Prairie Land Regional Division No. 25  
Rocky View School Division No. 41

### **Zone 6**

Serving 10 school boards in southern Alberta from the foothills of Pincher Creek to the Saskatchewan border

Grasslands Regional Division No. 6  
Holy Spirit RCS Regional Division No. 4  
Horizon School Division No. 67  
Lethbridge School District No. 51  
Livingstone Range School Division No. 68  
Medicine Hat CS Regional Division No. 20  
Medicine Hat School District No. 76  
Palliser Regional Division No. 26  
Prairie Rose Regional Division No. 8  
Westwind School Division No. 74

## Meet the ASBA Board of Directors

September 2007

Visit the ASBA website [www.asba.ab.ca/people/board\\_of\\_directors.html](http://www.asba.ab.ca/people/board_of_directors.html) for biographies of the trustees elected to govern the association, board of directors meeting dates, meeting agendas and meeting minutes. **Note:** The photo of the ASBA Board of Directors on page 15 is of the 2006-2007 board. Visit the ASBA website for photos and bios of the current board of directors.

President

**Maureen Kubinec**

*Pembina Hills School Division No. 7*

Zone 4 Director

**Jackie Swainson**

*Chinook's Edge School Division*

Vice-president

**Heather Welwood**

*Northern Lights School Division No. 69*

Zone 5 Director

**Doug Gardner**

*Foothills School Division*

Metro Director Calgary

**Carol Bazinet**

*Calgary Board of Education*

Zone 6 Director

**Kerry Milder**

*Holy Spirit Roman Catholic Separate Regional Division No. 4*

Metro Director Calgary

**Marg Belcourt**

*Calgary Catholic School District*

Observer

Alberta Catholic School Trustees' Association (ACSTA)

Metro Director Edmonton

**Debbie Cavaliere**

*Edmonton Catholic Schools*

**Jacquie Hansen**

*Greater St. Albert Catholic Schools*

Metro Director Edmonton

**Bev Esslinger**

*Edmonton Public Schools*

Observer

Fédération des conseils scolaires francophone de l'Alberta (FCSFA)

**Martin Blanchet**

*Greater North Central Francophone*

Zone 1 Director

**Wendy Olson-Lepchuk**

*Peace Wapiti School Division*

Observer

Public School Boards' Association of Alberta (PSBAA)

Zone 2/3 Director

**Gerry Steinke**

*Northern Gateway Public Schools*

**Judy Muir**

*Northern Gateway Public Schools*



**ASBA Board of Directors 2006-2007**

From left to right:

Lois Burke-Gaffney, Calgary Catholic School District;  
Wendy Olson-Lepchuk, Zone 1; Gerry Steinke,  
Zone 2/3; David Anderson, Executive Director;  
Gerry Gibeault, Edmonton Public Schools;  
Maureen Kubinec, President; Heather Welwood,  
Vice-President; Patricia Aitchison, Zone 6;  
Debbie Cavaliere, Edmonton Catholic Schools;  
Judy Muir, PSBAA; Carol Bazinet, Calgary Board  
of Education; Doug Gardner, Zone 5 and  
Jacquie Hansen, ACSTA.

Missing from photo:

Martin Blanchet, FCSFA and  
Karen Holloway, Zone 4.

## Meet the ASBA Zone Chairs

September 2007

Visit the ASBA website [www.asba.ab.ca/people/zones.html](http://www.asba.ab.ca/people/zones.html) for biographies of the trustees elected to lead the ASBA's five Zones.

Zone 1

**Frances Bissell**

*Northland School Division No. 61*

Zone 5

**Wendy Metzger**

*Rocky View School Division*

Zone 2/3

**Morag Pansegrau**

*St. Albert Protestant Schools*

Zone 6

**Marjorie Moncrieff**

*Prairie Rose School Division No. 8*

Zone 4

**Lloyd Baumgarten**

*Red Deer Catholic Regional  
Division No. 39*



## Meet the ASBA Staff

September 2007

These are the people who work on behalf the province's school boards.

**David Anderson**  
Executive Director

**Jennifer Elsinga**  
Senior Legal Secretary

**Donna Engel**  
Director, Corporate Services

**Teresa Ergezinger**  
Administrative Assistant

**Grace Garcia Cooke**  
Lawyer

**Bobbie Garner**  
Administrative Assistant

**Marian Johnson**  
Administrative Assistant to  
the Executive Director

**Kendra King**  
Labour Relations Consultant

**Suzanne Lundrigan**  
Director, Communications

**Scott McCormack**  
Labour Relations Consultant

**Mac McDonald**  
Director, Labour Relations

**Karen Munro**  
Lawyer

**Noreen Pownall**  
Administrative Assistant

**Yvon Prefontaine**  
Lawyer

**Heather Rogers**  
Director, Finance and  
Administration

**Gloria Schaaf**  
Senior Legal Secretary

**Tamara Stecyk**  
Corporate Receptionist/  
Administrative Assistant

**Heather Tkachuk**  
Administrative Assistant

**Angela Town**  
Lawyer

**Rita Trippel**  
Administrative Assistant

**Debra Tumbach**  
Senior Lawyer

**Terry Gunderson**  
Consultant

**Mat Hanrahan**  
Senior Advisor

**Leroy Sloan**  
Consultant

**Photo of ASBA staff (December 2005)** Back row from left to right: Bobbie Garner, Noreen Pownall, Gloria Schaaf, Dave Johnson – now with Sturgeon School Division, Jennifer Elsinga, Rita Trippel, Donna Engel, Karen Munro, Heather Rogers, Debra Tumbach and Marian Johnson  
Front row from left to right: Yvon Prefontaine, Suzanne Lundrigan, Angela Town, Heather Tkachuk, Teresa Ergezinger, Mac McDonald, Grace Garcia Cooke, Kendra King, David Anderson, Kimberly Ayers and Scott McCormack



## Key meeting dates 2007-2010

---

See the calendar on the ASBA website at [www.asba.ab.ca/calendar/calendar.asp](http://www.asba.ab.ca/calendar/calendar.asp) for a list of upcoming ASBA events including General Meetings, Zone meetings and ASBA Board of Directors meetings.

### General Meetings

The ASBA holds two general meetings a year in the Fall and in the Spring.

#### Fall General Meeting

2007 Nov. 18-20

2008 Nov. 16-18

2009 Nov. 15-17

2010 Nov. 21-23

#### Spring General Meeting

2008 June 2-3

2009 June 1-2

2010 June 7-8

## A brief history of the ASBA

---

On Jan. 23, 1907, at the suggestion of Lethbridge trustee, J. H. Fleetwood, the Honourable A.C. Rutherford, Alberta's premier and minister of education, met with 60 school trustees to adopt the founding constitution and objectives for the association that is today the official organization representing all school boards in Alberta. In 1939, 32 years after the founding meeting, this new organization was incorporated with the passage of the Alberta School Trustees' Association Act. While association activity was virtually suspended during World War I (1914 to 1918), a 1919 convention reaffirmed the original constitution with some minor amendments. Two years later, 1,200 trustees attended the 1921 convention, evidence of the burgeoning interest in educational issues. In 1942 the association hired a full-time secretary-treasurer with a permanent office. In the spring 1991 sitting of the Alberta legislature, the title of the association's act was amended to Alberta School Boards Association Act.



Administrative assistant Teresa Ergezinger has worked for the ASBA for 21 years.

## what do school boards do?

*"In and for each Province the legislature may exclusively make law as in relation to education."*  
Constitution Act 1867

The Alberta legislature through the School Act and regulations passed thereunder has delegated some authority for the governance of education to locally elected school boards. School boards are statutory corporations and, as such, have certain obligations to perform and certain powers to carry out their tasks.

The philosophy of school board governance is that government is most effective when it is close to the people being governed. Historically, community residents have elected trustees to boards to act for the legislature in their local schools.

### Role of the school board

The school board, as a representative of the people, is a *decision-maker*, one that must integrate the information from all the forces which impact on the board, process that information, evaluate it and make a decision compatible with the system's beliefs, values and knowledge. The board must keep in mind the interests of all students within the school jurisdiction rather than the interests of a few students in a particular school or geographical area.

The school board is responsible for *setting the overall direction for the school system*. This is usually done through an annual strategic planning process whereby the vision, mission, values and beliefs are revisited and strategic priorities or goals are determined. The annual budget also guides the jurisdiction by allocating resources to schools and programs. The school board also provides direction through its policy processes. These include *planning, developing, implementing and evaluating policy*.

The school board must *hold the system accountable* for achieving the results established through its planning process. It does this by establishing roles and responsibilities for the results at various levels throughout the organization, and then by establishing a monitoring and evaluation system whereby reports are made to the board on a regular basis. The board must then report to the public and the province about system and school performance.

Heather Rogers, ASBA Director of Finance and Administration, tallies ballots at the ASBA Spring General Meeting.



The school board has a very significant role in acting as an advocate *for public education* and for the local school system. It has a responsibility to design processes that enable it to hear from its constituents. It regularly provides advice with respect to education to appropriate departments of government and to MLAs, both as an individual board and collectively through the Alberta School Boards Association.

School boards serve *as the students' advocate*. Educational policies are judged first on what is best for the development of the whole individual. While schools cannot usurp the role of the family, board membership means being partners with parents in ensuring that children are provided with the best possible educational opportunities to become productive citizens who contribute to their communities in a meaningful way.

The school board must select *a superintendent of schools, delegate administrative duties to the superintendent and evaluate the superintendent's performance* annually. Expectations must be clearly outlined for the superintendent and the job descriptions must be based on outcomes or accomplishments rather than activities.

While the school board, through legislation, is given the power to engage in a wide range of activities and is mandated to perform certain functions, these can be delegated. It is most common for a board to focus on governance matters such as setting performance targets and making the system accountable for results while delegating the majority of functions to the superintendent. Functions may also be delegated to committees, but care must be taken to ensure the committee does the work of the board as delegated in the committee's terms of reference and not the work of administration. It is critical that the board creates the appropriate policies and procedures to ensure the appropriate conduct of the school system and the limitations of delegated responsibilities or powers. The board is accountable.

### **About the relationship between the school board and the superintendent**

The most important leadership relationship in the school system is the one that exists between the school board and its superintendent. The board and superintendent have different but complementary roles in many responsibility areas. The success of each partner is greatly influenced by the other's success. Both parties must nurture this relationship.

### **The school board as a corporate entity**

The school board is a corporation. When delegated by the board to act on behalf of the board, a trustee may perform specific duties individually, but only as an agent of the board and only as prescribed by the board, by board motion. In other words, the board is responsible for that action. At all other times a trustee acting individually has only the authority and privileges of an ordinary citizen.

## **What is a trustee personally liable for?**

---

Because a school board is a corporate body, all authority delegated by the province is to the board and not to individual trustees. Actions taken against the board are, in effect, against the corporation and not its members.

There are four exceptions to this rule:

### **Improper Use of Funds**

Where a board uses money acquired for capital expenditures for unauthorized purposes, the trustees of the board at that time are jointly and severally liable for the repayment to the board of the money so applied to the unauthorized use (s.187 School Act).

### **Non-Performance of Statutory Duties**

Trustees who fail or refuse to perform statutory duties imposed by various statutes may be held personally responsible (e.g. s.112 of the Employment Standards Code could hold trustees jointly and severally liable for unpaid wages).

### **Personal Gain**

If a court declares a trustee disqualified from remaining on the board due to his/her personal gain from contracts with the board, the trustee may be ordered to pay to the board any profit so made.

### **Breaches of Common Law**

Trustees may be held personally liable for such breaches of common law as acting in bad faith, in a discriminatory manner or in abuse of their powers. It must be noted that actions against such breaches are likely to be successful only where the evidence presented is clearly indisputable.

## **In 2003 the School Act made a good faith defence available to trustees**

---

The School Act was amended in 2003 to provide that trustees, employees of a board, and school council members are not liable for any loss or damage caused by anything said or done or omitted to be done, if done in good faith in the performance or intended performance of their functions, duties or powers under the School Act or any other enactment (s.144.1 School Act).

## **What is pecuniary interest?**

---

Section 80(1) of the School Act, R.S.A. 2000, c. S-3 defines the pecuniary interests of a trustee as “an interest in a matter that could monetarily affect” the trustee and those individuals for whom the trustee has a deemed pecuniary interest.

A trustee has a deemed pecuniary interest to either a spouse or an adult interdependent partner. The trustee must refrain from discussion of, voting on, and participating in any way in issues that could monetarily affect both the trustee and either a spouse or an adult interdependent partner.

It is important to note that the deemed pecuniary interest of the trustee relates to the pecuniary interest of the trustee's spouse or adult interdependent partner. A person cannot have a spouse and an adult interdependent partner. However, due to the definition of spouse excluding a legally married spouse from whom the trustee is separated, a trustee could be legally married and also have an adult interdependent partner.

The Adult Interdependent Relationships Act addresses such relationships. A "relationship of interdependence" means a relationship outside marriage in which any two persons (i) share one another's lives, (ii) are emotionally committed to one another, and (iii) function as an economic and domestic unit.

Two individuals, who are related by blood, can be in an adult interdependent relationship, though those individuals must enter into a formal Adult Interdependent Partner Agreement before this relationship can result in legal responsibility by one partner toward the other.

An adult interdependent relationship is similar to what used to be referred to as a common-law relationship – the primary difference is that the adult interdependent relationship can be opposite-sex or same-sex, whereas a common-law "marriage" was considered to be only opposite-sex.

### What do I do if a pecuniary interest arises?

When a trustee has a pecuniary interest in a matter before the board or any committee of the board or any commission, committee or agency to which the trustee is appointed as a representative of a board, the trustee shall, if present:

- immediately disclose the general nature of the pecuniary interest prior to any discussion of the matter;
- abstain from voting on any question relating to the matter;
- abstain from discussing the matter; and
- leave the room in which the meeting is being held until the discussion and voting on the matter are concluded.

In the event that the trustee was temporarily absent from the meeting when the matter was raised, the trustee shall immediately, upon returning to the meeting or as soon afterwards as the trustee becomes aware that the matter has been considered, disclose the general nature of the trustee's pecuniary interest in the matter. Please see section 83 of the School Act for specifics.

Failure to comply with section 83 can result in the disqualification of the trustee. A trustee who has been disqualified is required to resign in accordance with section 85 of the School Act.

## Bona Fide Error

If a court application is filed regarding the disqualification of a trustee for breach of the pecuniary interest provisions, a judge has the power to declare a person to be qualified as a trustee if he/she is of the opinion that the disqualification arose inadvertently or by reason of a *bona fide* error in judgment. This permits discretion in applying the literal and technical provisions of the Act in situations where a trustee innocently and in good faith does something for which he/she could be disqualified.

## Mandatory Disclosure of Personal Interests

Each trustee is required to complete a disclosure of personal interest form.

This form consists of a statement showing:

- the full name of the trustee, the trustee's spouse or Adult Interdependent Partner and all of the trustee's children (whether over or under the age of 18);
- the place of employment of all persons listed in the first bullet;
- the name of all corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest; and
- the name of all corporations, partnerships, firms, governments or persons in which any of the following persons have a pecuniary interest: the trustee's spouse or Adult Interdependent Partner, or any of the trustee's minor children (i.e. under the age of 18).

The board's secretary must then compile a list of all the names reported on the statements and provide a copy of this list to all trustees of the board, and the officials and employees of the board that the board directs shall receive a copy.

Remember "pecuniary" means "monetary" – so the last two bullets refer to the need for a trustee to name any of these entities in which he/she or the named family members have a monetary interest. This would include non-employment contracts with those various entities, as well as ownership interests.

## Keep the Adult Interdependent Relationships Act in mind

The board secretary should ensure that all new trustees are aware of the obligations under the Adult Interdependent Relationships Act before completing the personal interest disclosure. If there are any questions about whether a trustee might be in an interdependent partnership, the secretary would be well-advised to go through the definitions in some detail, and to seek legal assistance if required. Furthermore, the board secretary should ensure all new trustees are aware of this disclosure obligation soon after the election and, if possible, seek to have the disclosure forms completed and returned to the secretary at the time of the taking of the official oath of office.

## Who should receive copies of the disclosure forms?

Regarding the decision about the employees and officials, other than trustees, who will receive copies of these disclosure forms, those staff members who routinely attend board meetings ought to receive copies of the trustee disclosure forms. While it is true that the decision about pecuniary interest is ultimately a personal decision by the trustee, it is also true that the board as a whole and the advisors to the board can and should work as a team to help ensure each individual trustee makes the best decisions. Board advisors can do a better job as team members if they have full information, and ensuring that all trustees and select advisors have full information appears to be the intent behind this provision in the School Act.

## Trustees with spouses or adult interdependent partners who are teachers

With the September 2004 proclamation of the School Trustee Statutes Amendment Act the only deemed interest of a trustee will be those of a spouse or interdependent adult. These issues have been considered by the courts and resulted in disqualification of trustees in certain cases.

## Voting on collective agreements

In Ontario, two trustees were disqualified for voting on a teacher collective agreement. Both trustees had wives who were teachers and covered by different collective agreements with the board. The trustees participated in meetings and discussions and voted on the secondary teachers' collective agreement. Their wives were covered by the elementary teachers' collective agreement.

Justice Robbins of the Ontario Supreme Court stated:

*"The obvious purpose of the Act is to prohibit members of councils and local Boards from engaging in the decision-making process in respect of matters in which they have a personal economic interest. The scope of the Act is not limited by exception or proviso but applies to all situations in which the member has or is deemed to have any direct or indirect pecuniary interest. There is no need to find corruption on his part or actual loss on the part of the council or Board. So long as the member fails to honour the standard of conduct prescribed by the statute, then regardless of his good faith or the propriety of his motive, he is in contravention of the statute."*

In that case, a historical relationship was found to exist between settlements of the two collective agreements. The cases have consistently held that a collective bargaining agreement with one class of teachers will invariably affect a subsequent agreement with another class of teachers. The agreement is used as a negotiating lever likely to influence financial and other terms and collective bargaining agreements (*Benn v. Lozinski*). Such findings have placed trustees in a conflict of interest position by reason of being in the employment of a body that has an interest in a contract reasonably likely to be affected by a decision of the local board.

## Voting on the board budget

Questions are also raised as to whether a trustee is in a position to vote on a budget for the board when the trustee's spouse or adult interdependent partner works for another board. While one Ontario case upheld the ability for a trustee in such circumstances to vote on a budget, the court found that the trustee had a pecuniary interest in the matter, but that he was not in a conflict of interest position as the collective bargaining negotiations had been concluded for the school year in question. Accordingly, trustees are cautioned that both their participation in the negotiation process and voting on a budget can, in those circumstances where the collective agreement negotiations with the teachers have not been concluded, place them in a conflict of interest position, given the large salary component of any board of education budget. Likewise, voting on increases in budgetary matters in the event of a strike in the above-described circumstances has been found to place a trustee in a conflict of interest position. (See *Margolis v. Brown*).

## An Alberta example

Closer to home, we have the 2006 Alberta court decision of *Cheryl Howell v. The Board of Trustees of Grande Yellowhead Regional Division No. 35*. In this case, Ms. Howell was a trustee whose adult interdependent partner was a teacher employed by the school board. Her partner was eligible to participate in a retirement incentive program that came before the board for consideration. Ms. Howell voted on board motions regarding this program and argued she did not have a pecuniary interest in the matter because her partner did not plan to take advantage of the retirement incentive program. The court found that Ms. Howell failed to follow the disclosure obligations under section 83 of the School Act thereby entitling the board to pass a motion disqualifying her. The court confirmed the importance of pecuniary interest legislation stating, "the Courts set a high standard of public trust. The public interest must be served with high moral standards. Not only must public officials not benefit from their decisions, they must not be perceived to benefit from their decisions."

## Disqualification and Voting

For some topics, there is an overlap between matters that cause automatic disqualification from trusteeship and matters that regulate voting. For example, a trustee is unable to vote on any matter in which he or she has a pecuniary interest whether indirect or direct.

If the trustee is a party to a subsisting contract for the construction, maintenance or repair of real property over which the board has administration other than a contract for the provision of goods and services in an emergency, there is an automatic disqualification from trusteeship.

## Disqualification reasons

Section 82(1) of the School Act details the matters which cause a trustee of a board to be disqualified. A trustee is disqualified from remaining as a trustee of the board if that person:

- ceases to be qualified for nomination as a trustee under the Local Authorities Election Act;
- is an auditor or employee of the board for which he is a trustee;
- is a party to a subsisting contract for the construction, maintenance or repair of real property over which the board has administration other than a contract for the provision of goods or services in an emergency;
- beneficially owns more than 10 per cent of the issued shares of a corporation that has a pecuniary interest in a subsisting contract for the construction, maintenance or repair of real property over which the board has administration other than a contract for the provision of goods or services in an emergency;
- has a pecuniary interest in a contract with the board other than:
  - 1 a contract for the provision of goods or services in an emergency,
  - 2 a contract for the sale of goods or services to the board at competitive prices by a dealer in those goods or services incidental to and in the ordinary course of his business,
  - 3 a contract of employment with the trustee's spouse or adult interdependent partner, child, parent or spouse's parent or adult interdependent partner's parent, or
  - 4 a contract approved by the board pursuant to disclosure;
- uses information gained through his position as a trustee of the board to gain a pecuniary benefit in respect of any matter in which he has a pecuniary interest;
- is a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;
- absents himself or herself, without being authorized by a resolution of the board to do so, from three consecutive regular meetings of the board, unless his absence is due to illness and he or she provides evidence of that illness in the form of a medical certificate respecting the period of his or her absence;
- is convicted of:
  - 1 an indictable offence punishable by imprisonment for five or more years, or
  - 2 an offence under section 123 of the Criminal Code (Canada) for which an absolute discharge or pardon has not been granted.

## Fiduciary Relationship

The Supreme Court of Canada has defined fiduciary duty in relation to a corporation as a duty to act honestly and in good faith with a view to the best interests of the corporation: *Peoples Department Stores Inc. (Trustee of) v. Wise*. In that case, the Court articulated the requirements of “fiduciary duty” in the following manner:

... fiduciary duty requires directors and officers to act honestly and in good faith vis-à-vis the corporation. They must respect the trust and confidence that have been reposed in them to manage the assets of the corporation in pursuit of the realization of the objects of the corporation. They must avoid conflicts of interest with the corporation. They must avoid abusing their position to gain personal benefit. They must maintain the confidentiality of information they acquire by virtue of their position. Directors and officers must serve the corporation selflessly, honestly and loyally.

The concept of a trustee's fiduciary duty to the school board was recently examined in Alberta by Justice P.M. Clark in *The Board of Trustees of Calgary Roman Catholic Separate School District No. 1 v. Michael O'Malley*. The court confirmed that “the fiduciary duties are owed to the corporate body (the board) which is in turn, accountable to the Catholic ownership.” Mr. O'Malley was of the view that his duties were only to those who voted for him. As reported by the court, Mr. O'Malley, without board authorization: attended and interfered in a ministerial student expulsion review hearing; interfered with ongoing labour negotiations; disclosed confidential information involving talks with the Alberta Teachers' Association to the detriment of the district; refused to keep confidential information such as legal opinions confidential; labeled trustee orientation sessions as “indoctrination sessions” and school council meetings as “shams” and commenced legal proceedings against his own school board on four separate occasions. In reviewing Mr. O'Malley's actions and disqualifying Mr. O'Malley from office, the court stated:

“Mr. O'Malley thinks he can do what he wants, when he wants and how he wants, without regard to his colleagues or his fiduciary duties. His breaches of his fiduciary duties are numerous and his conduct cannot be described as anything but egregious. ...he has neglected his duties, he has breached his fiduciary duties and he has placed himself in an intractable conflict of interest by suing his own board four times.”

Consequently, it is important to not view as mere dissent, the disloyalty demonstrated by a blatant refusal to follow basic rules, and to abide by considered decisions made by a majority vote.

## what to expect at your first board meeting

This section describes the steps taken at the organizational meeting of trustees. It also describes how meetings are run and voting procedures.

### What is the organizational meeting?

---

During the organizational meeting, the board elects a chair and a vice-chair. The board must hold an organizational meeting each year. In a general election year, the organizational meeting must be held within four weeks after the date of the election. The board usually appoints trustees to various board committees during the organizational meeting.

### Notice of the organizational meeting

---

The board secretary sets the time and place for the organizational meeting. Each trustee will receive notice of the organizational meeting by registered mail at least seven days before the meeting or personally delivered at least two days before the meeting. (sections 64 and 67 of the School Act)

### First trustees take the oath of office

At the first organizational meeting after a general election, the first order of business is for each trustee to take and sign the official oath of office set out in the Oaths of Office Act. This oath must be left with the board secretary.

### Trustees file a disclosure statement

Each trustee must file with the board secretary a statement showing:

- the names and employment of the trustee and trustee's spouse or adult interdependent partner and children;
- the names of the corporations, partnerships, firms and governments or persons in which the trustee has a pecuniary interest; and
- the names of the corporations, partnerships, firms and governments or persons in which the trustee's spouse or adult interdependent partner or children under 18 years of age have a pecuniary interest. (section 81 of the School Act)

### The school board elects a chair and vice-chair

At the organizational meeting (and afterwards at any time as determined by the board), the board elects a trustee to serve as chair of the board and elects another trustee to serve as vice-chair. The chair and vice-chair hold office at the pleasure of the board. (section 65 of the School Act) If the chair is unable to perform his or her duties or is absent, the vice-chair will assume the powers and duties of the chair. If both the chair and vice-chair are unable to perform the duties of the office or are absent, the board shall appoint an acting chair from amongst its members. A secret ballot may be used to elect the chair or vice-chair if requested by one or more of the trustees.

## Scheduling regular board meetings

After the first organizational meeting, the school board shall hold as many regular meetings as necessary to deal with its business. The board shall pass a resolution establishing the date, time and place of regular meetings. (section 66 of the School Act)

## Holding a special board meeting

The chair, the majority of trustees or the minister of education may call a special meeting. Written notice of the special meeting must be given to each trustee identifying the time, date and place of the special meeting and the nature of the business to be transacted. This notice must be sent either by registered mail at least seven days before the date of the meeting, or delivered personally at least two days before the meeting, to the trustee or to a responsible person at the trustee's residence. By unanimous agreement of all trustees, the requirements for notice of a special meeting may be waived. Evidence of the waiver should be documented in writing. Only business set out in the notice of the special meeting may be conducted at the meeting unless all board members are present, in which case any business may be transacted. (section 67 of the School Act)

## How many trustees need to support a motion to pass it? What is quorum?

In order for an act of the board to be binding, it must be passed by a majority vote at a meeting with a "quorum" (the majority of the trustees of the full board). The full board means the total number of seats on the board whether they are filled or not. The minister of education can modify the definition of a quorum when the number of trustees on a board falls below the number required for a quorum. A meeting that begins with a quorum but loses that quorum because trustees leave the meeting is no longer a valid meeting. When a board cannot achieve quorum because a majority of the trustees are in a conflict of interest on a particular issue, the minister of education may order that the remaining trustees are deemed to be a quorum for the purposes of deciding the issue. (section 71 of the School Act)



Senior legal secretary Jennifer Elsinga takes notes at a meeting of board representatives.

## Are board meetings open to the public?

---

School board meetings are open to the public. When a majority of the trustees at the meeting are of the opinion that it is in the public interest to hold the meeting or part of a meeting in private or *in camera*, the board may, by resolution, exclude any person from the meeting. When a meeting is held in camera, the board does not have the power to pass a bylaw or resolution – the board must revert to an open meeting to pass any bylaw or resolution emerging from an in camera meeting. (section 70 of the School Act) During any meeting, the chair may exclude any person, who is guilty of improper conduct, from the meeting.

## What are the voting procedures?

---

While the school board may adopt Robert's Rules of Order or any other set of procedural rules it wishes to govern its internal procedures in meetings (section 68 of the School Act); the School Act prescribes the following rules for board meetings:

- *every trustee must vote* on every resolution unless he or she has a pecuniary interest in a matter before the board or if a trustee is excused from voting by resolution of the board in a specific case. (section 72 of the School Act)
- *any trustee*, including the chair, *may submit a resolution*, and no seconder is required.
- when a trustee requests a recorded vote, the secretary must record in the minutes the name of each trustee present and whether the trustee voted for or against the matter. The request for a recorded vote can also be made to the board secretary immediately after a vote is taken. In this case, the secretary must record in the minutes the name of the trustee that requested the vote and whether that trustee voted for or against the matter or abstained.
- in order for a resolution to be passed by the board, a simple majority of the trustees present at a meeting must vote in favour of the resolution. There must be quorum.
- in the event of a tie vote, the motion will be lost.
- a vote on any question shall be taken by an open vote; however, a secret ballot is allowed only for the election of a chair or vice-chair if a secret ballot is requested by one or more trustees. (section 73 of the School Act)

## Recording board meetings

---

The board shall maintain a record of all of the proceedings of the board and any board committees. (section 74 of the School Act)

## About board committees

---

Board committees may include trustees and members of the public. The school board may establish advisory committees with the power to make recommendations to the board or committees with the authority to act, subject only to reporting their actions to the board and any other legislative limitations.

School boards may establish “standing” committees and “ad hoc” (special) committees. A standing committee is appointed for a specific period, with responsibilities in a particular area. An ad hoc committee is appointed for a special purpose and is usually dissolved when it has completed its task.

A school board may give committees specific duties with the exception of the powers to:

- make a bylaw
- to close a school or school building
- to requisition from a municipality
- to hold a teacher transfer hearing

## Expectations of school trustees

---

### Trustee code of ethics

In 1983, trustees, through the Alberta School Boards Association, developed a code of ethics. While this code is not legally binding on trustees, it does articulate trustees' expectations. Key points of the code of ethics include:

- trustees are children's advocates – their first concern should be children;
- a trustee must devote time and study to the duties of a trustee;
- a trustee must work in harmony with other trustees;
- a trustee must avoid partisan bias; and
- a trustee should act only in the best interests of the jurisdiction.

### About fiduciary duty

Based on common law principles, it is the duty of trustees to act in the best interests of the corporation, i.e. the board. Although the School Act does not specify the duties of a trustee, it is implied through common law that every trustee is legally bound to use his or her best judgment, to act in good faith and, generally, to protect the interests of the educational system to which the trustee has been elected.

### Trustees become Commissioners for Oaths

---

Each trustee, upon assuming the office of trustee, acquires the status of a commissioner for oaths pursuant to the Commissioner for Oaths Act. No formal notice is provided to the trustee of this status which ceases when the trustee leaves office. Every trustee should be made aware of and follow certain instructions when performing their duties as a commissioner for oaths, as more particularly described in the Commissioner for Oaths Act.

## paying for public education

### Where does the money for public education come from?

---

This year, 2007-2008, educating the 555,000 kindergarten to Grade 12 students attending school in Alberta's public education system (francophone, public and separate jurisdictions) will be a \$4.6 billion enterprise, excluding capital costs.

The provincial government is the main source of funding for the public education system. The government allocates funding to school boards from two sources – the Alberta School Foundation Fund (ASFF), made up of \$1.4 billion in education property taxes collected by municipalities on behalf of the provincial government, and the General Revenue Fund (GRF), made up of revenue sources such as income tax, royalties, gaming, Federal transfers, and investment income. **Note:** Separate school boards may choose to opt out of the ASFF and requisition property taxes directly from their local taxpayers. This has no impact on the amount of money the school board receives.

The lion's share of provincial funding flows to school boards from Alberta Education, the ministry responsible for education. Another government department – Alberta Finance, allocates money to repay the debt that school boards owe on previous school building projects.

Fees levied by the school board and individual schools on students and parents, the sale of goods and services, investments and local fundraising make up the rest of the funding for public education.

### How does Alberta Education decide how much money each school board gets?

---

In September 2004, Alberta Education introduced a new way to distribute provincial funds to school boards. The objectives of the renewed funding framework are: to fund school boards fairly, consistently and equitably and to give school boards the flexibility to address provincial and local education needs. The funding framework strives to embody the principles of funding predictability, stability, simplicity, and transparency – holding school boards accountable for continuous improvement and attaining provincial education goals and priorities.

With a few exceptions, school boards receive the bulk of their funding from the provincial government unencumbered. School boards have the flexibility to allocate this funding in whichever way they feel best serves students. The allocation of funding is one of the school boards' most important responsibilities.

It is important to note that while the funding framework determines how funds are allocated to school boards, it does not address issues of funding adequacy. The amount of money distributed is determined by the provincial government's budget.

## About the renewed funding framework

---

For detailed information, please see the Funding Manual for School Authorities 2007-2008 School Year, available on Alberta Education's website: [www.education.gov.ab.ca/funding/fundingmanual](http://www.education.gov.ab.ca/funding/fundingmanual).

Under the funding framework, Alberta Education allocates money to each school board under six categories:

1. Base Instruction funding
2. Differential Cost funding
3. Provincial Priority Targeted funding
4. Other Support funding
5. Transportation funding
6. School Facility funding

## A look at the six categories

---

1. **Base Instruction funding** is for the costs of teaching students in kindergarten to Grade 12 programs and programs for Grade 1 to 12 students with mild or moderate special needs or who are gifted and talented. The government provides extra money for kindergarten special needs programs. School boards also get Base Instruction funding for Outreach programs, Knowledge and Employability (K&E) courses and, at varying rates for Home Education and Blended programs. Base Instruction funding is also to pay for board governance and school and system administration. On average, Base Instruction funding represents about three quarters of the money school boards receive from Alberta Education.

### 2007-2008 Base Instruction rates:

<b>Kindergarten:</b>	\$2,725 per child
<b>Grades 1 to 9:</b>	\$5,450 per student
<b>Grades 10 to 12:</b>	\$155.71 (K&E - \$249.14) per credit enrolment unit
<b>Outreach:</b>	\$55,724 per site

2. **Differential Cost funding** (often called equity funding) addresses those factors which cause sizeable differences in operating costs between jurisdictions. The amount of money a school board gets under this category depends on factors such as number of special needs students, school size, enrolment changes, location and size of jurisdiction, local costs of goods and services, and funding received prior to 2004.

### 2007-2008 Special Needs rates:

#### Students with severe disabilities in Grades 1 to 12

Funding: \$15,751 per profiled student with severe disabilities

#### Canadian and foreign born kindergarten children and Grade 1 to 12 students with English as a Second Language (ESL) or attending school in a francophone regional authority with insufficient fluency in French

Funding: \$1,093 per eligible student

**Immigrant kindergarten children and Grade 1 to 12 students requiring enhanced ESL or Francisation support services**

Funding: \$382 per eligible student

**First Nations, Métis and Inuit kindergarten children and Grade 1 to 12 students**

Funding: \$1,093 per eligible student

**Kindergarten children and Grade 1 to 12 students who are socially or economically disadvantaged based on socio-economic status (SES) criteria provided by Statistics Canada**

Funding: \$437 per student based on SES incidence rate

**Kindergarten children with severe disabilities**

Funding: on a Program Unit basis of up to \$23,262 for the first child and up to \$5,771 for each additional child in the Program Unit

**Kindergarten children with mild or moderate disabilities/delay or who are gifted and talented**

Funding: \$2,308 per eligible child

**Small Schools by Necessity funding** helps rural and urban jurisdictions operate small schools, which must be kept open because of lengthy travel distances to neighbouring schools. This grant includes a base amount and variable amounts that take into account school enrolment and grade configurations.

**2007-2008 Small Schools by Necessity rates:**

**Schools with fewer than 150 students** receive a base amount of \$81,979.

**Schools with between 150 and 226 students** receive a base amount between \$81,979 and \$0 according to a sliding scale.

A variable allocation ranging between \$546 and \$2,733 per student, depending on the small schools' grade configuration (e.g. K – 3, K – 9) and student enrolment.

**Enrolment Growth/Decline funding** is provided to school boards that experience significant year-to-year changes in enrolment. (Growth: Jurisdiction enrolment increases by more than four per cent; school enrolment increases by more than seven per cent. Decline: Jurisdiction enrolment decreases by more than 1.5 per cent; school enrolment decreases by more than four per cent)

**2007-2008 Enrolment Growth rate:**

\$591 for each student **over 4 per cent in jurisdictions and 7 per cent in schools**

**2007-2008 Enrolment Decline rate:**

**Jurisdictions where enrolment drops more than 1.5 per cent** receive \$3,989 for each student over the 1.5 per cent threshold.

**Schools where enrolment drops more than 4 per cent** receive \$591 for each student over the 4 per cent threshold.

**Intra-Jurisdiction Distance funding** is provided to school boards to address the higher costs of providing services in geographically spread out jurisdictions. In rural areas, funding is granted if schools are more than 25 km from their central administration office. In urban areas, funding is granted if schools are more than 15 km from their central administration office.

**2007-2008 Intra-Jurisdiction Distance rate:**

\$1.09 per student **for each kilometer over 25 km (rural) and 15 km (urban)**

**Northern Allowance funding** addresses the added costs for goods and services that northern Alberta school boards face. The amount of money a school board receives is based on the number of students attending schools within zones north of the 55th parallel of latitude.

**2007-2008 Northern Allowance rates:**

Between \$437 and \$984 per student **depending on the zone**

**Relative Cost of Purchasing Goods and Services Adjustment (RCPA) funding**, recognizes that goods and services are more expensive in different parts of Alberta. Jurisdictions are indexed based on Alberta Economic Development information. This index multiplied by 47 per cent of transportation funding and 20 per cent of all funding that is not targeted or designated for stabilization, transportation, plant operations and maintenance, and capital is the amount of money a board receives.

**Stabilization funding** ensures that no school jurisdiction loses funding under the renewed funding framework using 2003-2004 as the base year. In 2007-2008 the stabilization allocation provided to eligible boards without changes in student enrolment is 3 per cent more than they received last year.

- 3. Provincial Priority Targeted funding** is for provincial programs like the Student Health Initiative, Alberta Initiative for School Improvement, SuperNet Service, Small Class Size Initiative, and Children and Youth with Complex Needs. Funds designated for these programs must be spent on these programs.

**Student Health Initiative (SHI) funding** enhances and provides improved access to integrated health and related support services, including service in French to francophone regional authorities, for school children with special health needs. SHI funding is based on an estimated number of students who require health services. Funding for the Student Health Initiative in 2007-2008 totals \$44 million.

**Alberta Initiative for School Improvement (AISI) funding** is for local projects aimed at improving student learning and performance. In 2007-2008 AISI projects are funded to a maximum of \$132 per FTE child/student with provincial spending totaling \$74 million.

**SuperNet Service funding** is provided for school sites that are connected to and using the government's high speed network. In 2007-2008, school boards are eligible to receive up to \$503.50 per month for each site.

**Small Class Size Initiative funding** helps school boards hire and retain additional teachers in order to achieve the Alberta Commission on Learning's class size guidelines. Provincial spending on this initiative in 2007-2008 is \$195 million with boards receiving 3 per cent more funding than last year.

**Children and Youth with Complex Needs funding** is provided to Regional Integrated Case Management Teams who determine on a case-by-case basis the programs, services, and extraordinary care that children and youth with severe impairments require to participate in education programs.

- 4. Other Support funding** is allocated to school boards for these instructional services:

School boards are contracted to provide education programs for students who reside in **government institutions** such as hospitals, young offender centres, treatment centres, youth assessment centres, women's shelters, and group homes.

School boards are contracted to provide school authorities with subsidized **Regional Educational Consulting Services** for students with special education needs requiring the support of a multidisciplinary educational team.

Designated school boards are funded as 'agent' boards for the management of seven regional **professional development consortia**, which help coordinate the development of knowledge, skills, and attributes in schools and their communities. Funding for each consortium in 2007-2008 is \$178,282.

A **Learning Resources Credit** is available to school boards if they purchase their learning resources from the Learning Resources Centre in Edmonton. The Learning Resources Credit in 2007-2008 is \$11.43 per student.

Alberta Education distributes **Federal Francophone Education** funding to francophone regional authorities for French First Language Education and **Federal French Language** funding to school boards that provide French Immersion and French as a Second Language programs. Alberta Education also provides francophone regional authorities with provincial **Francophone Equivalency Access** funding of \$578 per eligible student in support of francophone education.

Alberta Education allocates \$1,051 for each elementary or junior high school in support of their **Daily Physical Activity** programs.

School jurisdictions receive \$10,716 in funding for each **Hutterite Colony School** they operate.

In 2007-2008, school jurisdictions with fewer than 2,000 students receive \$437,217 in **Small Board Administration funding**. School jurisdictions with between 2,000 and 3,000 students receive **Small Board Administration funding** ranging from \$437,217 to \$0 according to a sliding scale.

## 5. **Student Transportation funding:** Alberta Education provides funding to school boards that operate or contract transportation systems for kindergarten to Grade 12 students.

School boards receive **Rural Transportation funding** based on a formula that takes into account student population density and the distances students are transported. Funding to transport students between schools is provided when students take classes that are not available in the school they attend.

Urban school boards, other than Calgary and Edmonton, are funded for each eligible student they transport. **Urban Transportation rates** in 2007-2008 range from \$499 per student for larger centres to \$584 per student for smaller centres. Funding is also provided for interschool transportation.

School boards in Calgary and Edmonton receive **Metro Transportation funding** based on a formula that estimates the number of students eligible for transportation. In 2007-2008 the metro rate is \$499 per student.

**Special Transportation funding** is given to school boards to transport students who cannot use regular student transportation because of their disabilities. The 2007-2008 special transportation funding rate is \$5,306 per student for rural school boards and \$2,652 per student for urban and metro school boards.



Donna Engel, director of corporate services, ensures the ASBA's general meetings run smoothly.

A **Boarding Allowance** of \$3,881 is paid for rural and urban students who are directed to educational programs where they must live away from home.

**Fuel Price Contingency funding** is provided to address higher school bus fuel costs. For rural and urban boards the formula is based on bus route distances, fuel consumption rates, and monthly fuel costs that average over 60 cents per litre. Metro funding is based on kilometres traveled and transit pass costs.

## 6. **School Facility funding:** Alberta Education allocates funding for school boards to operate, maintain, renew, expand, and retire debt owing on school facilities.

**Plant Operations and Maintenance (POM) funding** is for the general maintenance and operation of school buildings to ensure they are safe, comfortable, and suitable for student learning. Most of the \$417 million in POM funding in 2007-2008 is allocated on a per student basis:

<b>Grades K to 6:</b>	\$724 per student
<b>Grades 7 to 9:</b>	\$684 per student
<b>Grades 10 to 12:</b>	\$687 per student

**School boards may receive additional POM funding** of up to 13 per cent based on the jurisdiction's population density (sparsity) and distance from a larger urban centre. A travel time allowance provides for maintenance staff to service outlying schools and a supplemental adjustment funds higher POM costs in small schools by necessity.

**Infrastructure Maintenance and Renewal (IMR) funding** totaling \$96 million in 2007-2008 is for upgrading or replacing building components to extend the life and quality of school facilities, meet program requirements, and improve energy efficiency. IMR funding is determined using student enrolment (50 per cent), age of building (24 per cent), area of building (21 per cent), geographic location (3 per cent), and other factors (2 per cent).

**School Facilities funding** is for building new or replacement schools, modernizing existing schools, and adding or relocating modular/portable classrooms. School boards must apply to Alberta Education for capital funding by submitting three year and 10 year capital plans and meeting eligibility criteria for approval. Expansion and modernization funding provides for the costs of capital projects including furniture and equipment, site development, consultant's fees, and project expenses.

As of August 2007 capital funding in 2007-2008 is estimated at just over \$600 million and earmarked for the following:

<b>Infrastructure Maintenance and Renewal (IMR):</b>	\$98 million
<b>Previously announced projects:</b>	\$289 million
<b>Cost escalation of announced projects:</b>	\$23 million
<b>School modernizations in Calgary/Edmonton:</b>	\$100 million
<b>School modernizations rural/urban communities:</b>	\$97 million

Alberta Finance pays **Debt Retirement funding** on behalf of school boards for the principal and interest owing on government-supported school facilities built prior to September 1995.

## 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](http://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.

## history of public education in Alberta

The history of education in Alberta is one of dedication by lay and professional people... of innovation in curriculum and school organization...of growth and change. This history coincides with Alberta's evolution from a subsistence rural society into a complex urban industrial society. In less than 50 years, a society which once accepted an elementary education as sufficient for the province's primary industries, today, demands post-secondary education for the tertiary industries, which dominate employment opportunities.

### Protestant and Roman Catholic churches establish first schools

The Roman Catholic and Protestant churches started Western Canada's first schools. Father Thibault established a mission at Lac Ste Anne in 1842 and Reverend Rundle established day and Sunday schools in Fort Edmonton in the 1840s.

### Public schools part of Canadian fabric since mid-1800s

Egerton Ryerson, Ontario's first superintendent of schools, established the foundations on which Canada's public education system is based. Ryerson's travels to the United States and western Europe led him to believe public schools should be social agencies through which the children of the multi-cultured settlers could be assimilated into the Canadian way of life. He believed the primary purpose of school was to make children good and useful members of society by exposing them to children from various cultures and backgrounds. This tenet was most recently reiterated in 1984 by Alberta's Committee on Tolerance and Understanding. In 1996, the Alberta School Boards Association adopted principles for public education which echo this belief.

The Alberta School Boards Association's position on *Public Education in the Twenty-first Century* is:

Public Education is the right of every child in Alberta.

Therefore, we believe that public education in Alberta should:

1. be accessible to all children;
2. aim for the optimal development of children;
3. provide all children with equitable learning opportunities;
4. require all participants to be publicly accountable;
5. strive to meet the highest standards possible;
6. be a responsibility shared by students, parents, teachers, and the community;
7. be governed by locally-elected boards of education who are responsive to the community;
8. be directed by professionally prepared educators who are committed to the beliefs of public education and responsible for the quality of education; and
9. support and advance a democratic society.

Public funding shall be directed only to those school jurisdictions that reflect these beliefs.

## **Territorial government starts funding schools in 1880**

---

In 1880, the territorial government provided the first financial support for schooling. Mr. Glass, teaching in an Edmonton mission school, had one-half his salary paid from the Territories' capital at Battleford. The Northwest Territories government followed the Quebec model and provided assistance to Protestant and Roman Catholic schools. The minority in any community had the right to establish a school of its own. An 1880 Territorial Ordinance provided for establishment of school districts. Edmonton established the first district in Alberta. In 1895, there was one separate and 58 public school districts. Within six years, there were 243 public and 11 separate school districts. When Alberta was created in 1905, 602 school districts existed.

## **Who makes laws for education in Alberta?**

---

While the province of Alberta may exclusively make laws in relation to education, (Section 93 of the Constitution Act, 1867 Alberta), the province's right to make laws regarding education is subject to section 17 of the Alberta Act, which states:

Nothing in any such law shall prejudicially affect any right or privilege with respect to the separate schools which any class of persons have at the date of the passing of this Act, under the terms of Chapters 29 and 30 of the Ordinance of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said Ordinances.

## **One-room school serving students within four-mile boundary**

---

In the decades after Alberta became a province in 1905, the small one-room rural school characterized schooling. These schools served students living within a four mile by four mile area — or district. A local school board operated the district, which was in turn supervised by a Department of Education school inspector. The mid-1930s saw a shift toward larger school units and the establishment of Calgary's Western Canada High School – Alberta's first comprehensive high school.

## **Late 1930s see consolidation of districts into larger school divisions**

---

In 1937, in a bid to consolidate Alberta's almost 4,000 school districts, 11 large school divisions were created. This and other reforms stalled as Alberta was in the throes of the Great Depression and funds were diverted to the war effort. The end of World War II saw resources redirected to peaceful endeavors including education. As dollars flowed and people returned, the changes launched in earlier decades came to fruition. Larger schools replaced the old one-room school as students were bussed to the new facilities.

## **And today....**

---

In 2007, the Government of Alberta spent \$5.8 billion on public education (Early Childhood Services to Grade 12 students attending Alberta's public, separate and francophone schools). This is about \$29 million for each day students are in school. Some 596,000 students attend school where they are taught by about 36,823 teachers. Some 446 trustees serve on Alberta's 41 public school boards, 16 separate school boards and five francophone education authorities.

## acronyms

These are commonly found acronyms.

AAC	Alberta Assessment Consortium
ABC	Association for Bright Children
AAMD&C	Alberta Association of Municipal Districts and Counties
AAPCS	Association of Alberta Public Charter Schools
ACFA	Association canadienne-française de L'Alberta
ACLD	Association for Children with Learning Disabilities
ACOL	Alberta Commission on Learning
ACSTA	Alberta Catholic School Trustees' Association
ACYI	Alberta Children and Youth Initiative
ADLC	Alberta Distance Learning Centre
ADM	Assistant Deputy Minister
AERR	Annual Education Results Report
AHEA	Alberta Home Education Association
AHSCA	Alberta Home and School Councils' Association
AISCA	Association of Independent Schools and Colleges in Alberta
AISI	Alberta Initiative for School Improvement (a provincial program to improve student learning and performance by fostering initiatives that reflect the unique needs and circumstances within school jurisdictions)
ALIS	Alberta Learning Information System
AMFC	Alberta Municipal Financing Corporation
ASAA	Alberta Schools' Athletic Association
ASBA	Alberta School Boards Association
ASBALE	Alberta School Boards Association for Language Education
ASBIE	Alberta School Boards' Insurance Exchange
ASBOA	Association of School Business Officials of Alberta
ASEBP	Alberta School Employee Benefit Plan (insurance program providing group benefits for school board employees)
ASFF	Alberta School Foundation Fund
ATA	Alberta Teachers' Association
ATA Local	The local ATA union authority
ATRF	Alberta Teachers' Retirement Fund
AUMA	Alberta Urban Municipalities Association



Suzanne Lundrigan, director of communications, compares notes with labour relations consultant Kendra King.

BQRP	Building Quality Restoration Program (now called IMP Infrastructure Maintenance Program)
CALM	Career and Life Management (program)
CASA	Canadian Association of School Administrators
CASS	College of Alberta School Superintendents
CBA	Custody by Agreement
CEA	Canadian Education Association
CEO	Chief Executive Officer (superintendent of schools)
CETS	Credit Enrolment Tracking System
CEU	Credit Enrolment Unit
CMEC	Council of Ministers of Education in Canada
COATS	Council of Alberta Teaching Standards
CPF	Canadian Parents for French
CSBA	Canadian School Boards Association
CTS	Career and Technology Studies
DM	Deputy Minister
EAP	Employee Assistance Program
ECS	Early Childhood Services (kindergarten)
ESL	English as a Second Language
FCSS	Family and Community Social Services
FNMI	First Nations Métis Inuit
FOIP	Freedom of Information and Protection of Privacy Act
FPFA	Fédération des parents francophones de l'Alberta
FSL	French as a Second Language
FTE	Full Time Equivalent
GLA	Grade Level of Achievement
HR	Human Resources (personnel services)
IB Program	International Baccalaureate Program (a comprehensive curriculum of general education responding to the needs for greater challenge in the upper secondary level)
ICT	Information and Communication Technology
IEP	Individual Education Plan
IMP	Infrastructure Maintenance Program
IMR	Infrastructure and Maintenance Renewal Program
IPP	Individualized Program Plans

K and E	Knowledge and Employability courses
LAC	Local Advisory Committee (for ECS)
LDAA	Learning Disabilities Association of Alberta
LRC	Learning Resources Centre
LRDC	Learning Resources Distributing Centre (an operation that purchases and resells instructional materials to school jurisdictions for their book rental programs)
NSBA	National School Boards Association
OH and S	Occupational Health and Safety
P3	Public Private Partnership
PAAC	Program and Assessment Advisory Committee
PD	Professional Development
PSBAA	Public School Boards' Association of Alberta
PAT	Provincial Achievement Test
PLC	Professional Learning Community
POM	Plant Operations and Maintenance
PTR	Pupil Teacher Ratio
PUF	Program Unit Funding (can be obtained by ECS program operators to provide individual programs for children with severe disabilities)
PUG	Program Unit Grant
SACSC	Safe and Caring Schools and Communities
SBDM	Site Based Decision Making
SEP	School Education Plan
SHI	Student Health Initiative
SIB	School Improvement Branch
SIPP	Supplemental integrated Pension Plan
STEP	Summer Temporary Employment Program
STR	Student Teacher Ratio
TPA	Teaching Profession Act
TQS	Teacher Qualification Service (operated by ATA to assess teachers' years of education for salary/pension purposes)
TRF	Teachers' Retirement Fund
TSQB	Teacher Salary Qualification Board
WCB	Workers Compensation Board
YRE	Year Round Education

# jargon

Whether it is agriculture, medicine, finance, construction or education, those who work in a particular field develop a language – jargon – to communicate with their colleagues. Jargon is often confusing, bare of meaning and, occasionally, gobbledygook. This glossary is here to help trustees bridge the barriers erected by jargon.

## Accountability

A process designed to determine whether those responsible for certain tasks or activities have discharged them in the manner intended and have achieved the desired results.

## Accountability Pillar

A framework for assessing how the province's education system is performing using a broad range of measures. The information is used by schools, school jurisdictions and the province to determine if learning goals are being met, to develop and implement strategies to improve results, and to report to parents and communities.

## Accumulated Operating Surplus (AOS)

The sum of the unrestricted net assets and operating reserves. Represents funds available to cover future deficits. The AOS, together with capital surplus and capital reserves, would form what is called "retained earnings" in the private sector.

## Activities: Co-Curricular

Learning activities which complement learning objectives and are conducted outside the classroom.

## Activities: Extracurricular

Activities usually outside of the classroom and outside of normal school hours designed to provide opportunities for students to pursue athletic, vocational or avocational interests.

## Ad Hoc (typically describes a committee)

Established for a specific purpose, issue, or concern and usually operational for a short period of time.

## Administrative Allowance

A sum of money, determined in collective bargaining, usually paid to administrators and supervisors in addition to their regular salary.

## Administrative Procedure

Methods and processes before an administrative board (i.e. school board) as distinguished from judicial procedure which applies to court. Administrative procedure can be found in school board policy.

## Alberta School Foundation Fund (ASFF)

A regulated fund into which all money raised through education property taxes is pooled and then distributed to school boards. Separate school boards may opt out of the ASFF and continue to directly tax their local residential and corporate ratepayers.

### Alternative Program

An education program that emphasizes a particular language, culture, religion or subject matter or uses a particular teaching philosophy (i.e. an outreach program). Special education programs, programs for children who are guaranteed by the Charter of Rights and Freedoms to receive instruction in French, or programs of religious education offered by a separate school board are *not* alternative programs.

### Arbitration

The determination of a dispute by an arbitrator; a procedure to determine an interest dispute.

### Attendance Board

Body established by the minister of education to review matters respecting the failure of a student to attend school.

### Audited Financial Statement

Formal financial statements audited by an independent firm of accountants.

### Bargaining Agent

The organization authorized by law that acts on behalf of employees in collective bargaining or as a party to a collective agreement with an employer or employer's organization, whether or not the bargaining agent is a certified bargaining agent.

### Bargaining Unit

A defined group of employees with similar, general job characteristics on whose behalf the bargaining agent negotiates with their employer. (i.e. ATA Local, CUPE Local)

### Bill

Draft legislation which is introduced into the legislature or Parliament. Upon approval a bill becomes an act.

### Blended Program

An educational program consisting of two distinct parts: a school provided program where a) school board is responsible for the delivery and evaluation of achievement and b) a Home Education Program that meets the requirements of the Home Education Regulations, pursuant to the School Act.

### Budget Report Form

A form supplied by the provincial government wherein school boards identify their estimated revenues and expenditures for the school year.

### Bylaws

The set of rules adopted by an organization for the regulation of its proceedings.

### Capital Expenditure

The expenditure of money for items of a relatively permanent nature (i.e. building, school bus). The cost of the individual item must be greater than \$5,000.

### Career and Technology Studies (CTS)

Courses that help students move through school towards further education and work. Course options can include everything from digital design to mechanics or cosmetology.

### Certificated

Employees, who as a condition of employment, must possess a valid teacher's certificate.

### Charter

A charter is an agreement regarding the establishment and administration of a charter school. The charter describes the unique educational service the charter school will provide, how it will operate, and the student outcomes it intends to achieve.

## Class Size

The number of students scheduled to receive instruction at one time by one teacher. **Note:** Class size is usually larger than the pupil-teacher ratio because all certificated staff, (principals, teacher librarians, etc.) are included in calculating the ratio.

## Cohort

The total group of students registered in a particular grade, including students who may be enrolled in a modified program. These students are all counted in the provincial achievement test results.  
*Syn. full cohort*

## Collective Agreement

A written agreement between an employer and a bargaining agent of employees, acting on behalf of a unit of employees (i.e. the school jurisdiction and the ATA) containing provisions respecting terms and conditions of employment and related matters. This agreement is negotiated at bargaining tables and is enforceable through arbitration.

## Collective Bargaining

Negotiating with a view to concluding or renewing a collective agreement.

## Computer Adaptive Assessment (CAA)

A school-based computer assessment tool that immediately 'adapts' or tailors the difficulty of each test to the individual student.

## Computer Assisted Instruction (CAI)

A method of supplementing instruction by having students engage in learning activities with a computer.

## Contracts

*Continuing:* A contract of employment between a board and a teacher that remains in force from year to year.

*Interim:* A contract of employment between a board and a teacher, for not more than 360 teaching days, but may be less than a complete school year.

*Probationary:* A contract of employment between a board and teacher for a complete school year, during which the teacher is on probation.

*Temporary:* A contract of employment between a board and a teacher for the purpose of replacing a teacher who is absent from his/her duties for a period of 20 or more consecutive teaching days.

## Council of Ministers of Education, Canada (CMEC)

The Council of Ministers of Education, Canada (CMEC) is an intergovernmental body founded in 1967 by ministers of education to serve as:

- a forum to discuss policy issues
- a mechanism through which to undertake activities, projects, and initiatives in areas of mutual interest
- a means by which to consult and cooperate with national education organizations and the federal government
- an instrument to represent the education interests of the provinces and territories internationally

All provinces and territories are members.

### Council On Alberta Teaching Standards (COATS)

This council is advisory to the minister of education on programs for the preparation of teachers and the requirements for Alberta teaching certificates; conditions under which suspension or cancellation of certificates are justified; policy, practice and outcomes in the area of teacher evaluation; and certain short term projects such as the Initiation to Teaching Project.

### Count Date

Refers to the date on which student enrolment is counted for the purpose of calculating funding. If the count date is Sept. 30, only those enrolled on that date can be included in the count. If the count date of Sept. 30 falls on a weekend, the last school day in September shall be used as the count date. This count is for kindergarten to Grade 9 students.

### Credit Enrolment Units (CEUs)

A conditional grant allocated to school boards for senior high school courses that are based on an Alberta Program of Study and delivered through appropriate access to instruction. Funding is ongoing and is distributed at several points during the school year.

### Cumulative Record Card

A form containing information about a student. Typically, the card contains information such as vital statistics, test results and student attendance.

### Daily Physical Activity (DPA)

The goal of Daily Physical Activity (DPA) is to increase students' physical activity levels. DPA is based on the belief that healthy students are better able to learn and that school communities provide supportive environments for students to develop positive habits needed for a healthy, active lifestyle.

### Debenture

Similar to a bond (a long-term debt of an organization), but usually secured by assets.

### Early Childhood Services (ECS)

The umbrella term for programming provided to children between the ages of two and a half and six years of age. This includes program delivery to young children with severe or mild/moderate special needs, English as a Second Language or Francisation programming and kindergarten.

### English as a Second Language (ESL)

Programs designed for students whose mother tongue is not English.

### Francisation

Program that helps students attending Francophone schools who do not have sufficient French language skills.

### Francophone

Education program offered for students with rights under Section 23 of the Canadian Charter of Rights and Freedoms to receive school instruction in French.

## Freedom of Information and Protection of Privacy Act (FOIP)

Legislation which sets out rules regarding the collection, use and disclosure of personal information.

## Funding Framework

Formula for distributing funds to school boards.

## General Equivalency Diploma (GED)

Method of obtaining a high school equivalency diploma that requires a registered individual complete and pass five subject tests.

## Grade Level of Achievement (GLA)

Teachers providing Alberta Education with their judgment of their student's achievement in meeting the program of studies outcomes in Grades 1 to 9 language arts and mathematics.

## "Grandfather" a Clause

To continue an existing service or benefit for identified individuals or groups of people when that service or benefit is being phased out or eliminated.

## Grievance

Any disagreement between the parties to a collective bargaining agreement with respect to the meaning or application of a collective agreement or any violation of a collective agreement.

## Impasse

In negotiations, the point at which bargaining cannot proceed further as agreement cannot be reached on the remaining issues in dispute.



Labour relations consultant Scott McCormack facilitates a table discussion.

## In Camera Meeting

A private meeting which is not open to the public. *Syn. meeting in committee; executive session; conference committee*

## Increment

Salary increases for employees, usually for each additional year of experience, to a maximum amount.

## Individualized Instruction

A method in which the teacher provides instruction according to the abilities or interests of the individual student.

## Individualized Program Plan (IPP)

A concise plan of action that is designed to address the student's special needs, and is based on diagnostic information which provides the basis for intervention strategies. All students with exceptional needs, from severely disabled to the gifted and talented, require an IPP. *Syn. Individualized Education Plan (IEP)*

### In Loco Parentis

A Latin phrase meaning “in place of the parent.” It is a common law element that establishes the role of school board personnel as being that of reasonable and prudent parents in their relationship to students.

### Instructional Materials Centre (IMC)

A centrally-located facility for the storage, distribution, and production of audio/visual aids and instructional materials. *Syn. media centre, LRSC*

### Integration

Programs for students with exceptional needs are provided in regular class environments. *Syn. mainstreaming*

### Learning Disability

An inability to learn due to some physical, mental, or emotional affliction, usually capable of being corrected. May be categorized as mild, moderate or severe.

### Leave of Absence

A period of time granted to an employee to be absent from work, with or without pay.

### Mainstreaming

Placing children irrespective of ability, intelligence, or handicap into a regular classroom. *Syn. integration*

### Mean

The average of a group of scores.

### Median

The middle score in a list arranged from highest to lowest but not necessarily the average or mean score. Example: two, six, seven, 15, 21, 30, 39: median is 15; mean is 17.1.

### Mediation

The process by which a third party attempts to facilitate a resolution to a dispute between two parties.

### Memorandum of Agreement

The document signed by the parties involved in negotiating a collective agreement. The memorandum is subject to ratification by the school board and the union membership.

### Middle School

A form of school organization providing instructional services to children aged 10 to 14 (Grades 5 to 8).

### Mild/Moderate

One of the terms given to the group of specific categories that allow school jurisdictions to identify those children and students who require special education. This includes students with learning disabilities, emotional/behavioural disabilities, mild or moderate cognitive disabilities, hearing disabilities, visual disabilities, communication disabilities or delays, gifted and talented, physical and medical disabilities or multiple disabilities.

### Mill

Unit of measurement used for calculating taxes on property. One mill is 1/1000 of the assessed property value. i.e. If the assessed property value is \$1,000, one mill yields \$1.

### Non-Resident Student

A student whose parents reside in a school jurisdiction other than the one in which the student is enrolled.

### Organizational Meeting

The first meeting of the school board after a general election or on the anniversary of a general election. The chair and vice-chair are elected at this meeting.

### Program Unit Funding (PUF)

Can be obtained by ECS program operators to provide individual programs for children with severe disabilities. Available for a maximum of three years and designed to provide continuous support up to Grade 1.

### Programs of Study

Identify what students are expected to learn and be able to do in all subjects and grades.

### Public Private Partnership (P3s)

Concept for providing schools through, but not limited to:

- financing options such as developer build/lease back
- partnerships to provide new schools in new subdivisions
- partnerships involving school boards, private sector developers, municipal government and community organizations
- re-use excess school space
- sharing facilities with post-secondary educational institutions and business organizations.

### Pupil-Teacher Ratio (PTR)

Obtained by dividing the number of students in a school or school system by the total number of certified teaching staff.

### Registered Apprenticeship Program

Experiential learning undertaken by a senior high school student:

1. as an integral part of a planned school program;
2. which is under the co-operative supervision of a teacher co-ordinator and the employer;
3. where a student is a registered apprentice;
4. where the program meets the acts and regulations of Alberta Advanced Education and Technology relating to apprenticeship training; and
5. which constitutes a separate course based on 25 hours per credit.

### Regulation

A rule or order having the force of law issued by the executive branch of a government. In school systems, a regulation derives from board policy and is viewed as a directive for action.

### Resident Student

A student of the school jurisdiction in which his or her parents reside and who is a student for which a board receives funding.

### School Councils

A group of parents of students attending the school that provide functions set out in section 17 of the School Act. According to the School Act, each school council shall be established in accordance with the regulations for each school operated by the board.

### Severe Disabilities

One of the terms given to the group of specific categories that allow school jurisdictions to identify those children and students who require special education. This includes students with severe emotional/behavioural disabilities, severe cognitive disabilities, severe delays involving language, deafness, blindness, severe physical and medical disabilities or severe multiple disabilities.

### Site-Based Management

Involves principals, staff members and school councils in making decisions about instructional programs and services at the school level and how funds are allocated to them. *Syn. site-based decision-making*

### Special Education

Special education refers to the education of students and ECS children identified with mild, moderate, or severe disabilities or as gifted and talented.

### Standardized Tests

A test administered according to standardized procedures which assesses a student's performance by comparison to standards. In the case of provincial achievement tests, the standards are acceptable standard and standard of excellence.

### Strike

Includes:

1. cessation of work;
2. refusal to work;
3. refusal to continue to work by two or more employees acting together for the purpose of compelling their employer to agree to terms or conditions of employment.

### Suspension: Student

When a principal or teacher suspends a student from classroom attendance.

### Teacher

In Alberta, an individual employed by a school board who, as a condition of employment, must possess a valid Alberta teaching certificate.

### Utilization Factor

A provincial government formula which determines the extent to which the student capacity of a school is filled. Expressed as a percentage.

### Year: Fiscal

The year within which an organization collects and spends money.

### Year: School

In Alberta, a board establishes the opening and closing dates of all schools under its jurisdiction for the following 12-month period.

## who's who in education

### Alberta Catholic School Trustees' Association

---

The Alberta Catholic School Trustees' Association (ACSTA) is the voice of Catholic trustees in Alberta and the Northwest Territories, and is committed to preserving and enhancing the rights of Catholics to education based on the Gospel of Jesus Christ.

**Telephone:** 1.780.484.6209  
**Facsimile:** 1.780.484.6248  
**E-mail:** admin@acsta.ab.ca  
**Website:** www.acsta.ab.ca

### Alberta Education Office of the minister

---

With students' varied learning needs as its central focus, Alberta Education leads a kindergarten to Grade 12 system that provides the foundation of knowledge and skills needed to prepare Alberta children and youth for lifelong learning, work and citizenship. In 2006-2007, more than 596,000 young Albertans were enrolled in kindergarten to Grade 12 across the province.

**Telephone:** 1.780.427.5010  
**Facsimile:** 1.780.427.5018  
**Website:** www.education.gov.ab.ca

The Ministry of Education, for which the education minister is accountable, consists of the Department of Education, the Alberta School Foundation Fund and school jurisdictions (school boards, francophone education authorities and charter schools). Alberta school jurisdictions, along with private schools, provide programs for students in the province's kindergarten to Grade 12 education system in accordance with the School Act.

More information about Alberta Education, including the School Act and roles and responsibilities of the education minister, is available online at:  
[www.education.gov.ab.ca/educationsystem/ourstudents/](http://www.education.gov.ab.ca/educationsystem/ourstudents/).

## Alberta Home and School Councils' Association

---

Alberta Home and School Councils' Association (AHSCA) is the provincial association representing parents on school council. Recognized as the voice of parents in public education, AHSCA presents the parent perspective to government and education partners in Alberta.

**Telephone:** 1.780.454.9867  
**Toll free:** 1.800.661.3470  
**Fax:** 1.780.455.0167  
**E-mail:** [parents@ahsca.ab.ca](mailto:parents@ahsca.ab.ca)  
**Website:** [www.ahsca.ab.ca](http://www.ahsca.ab.ca)

Opportunity for parent input on education issues is through school council. Parents are members through their school council and province-wide, AHSCA membership includes rural, urban, public, separate, charter and francophone schools.

A non-profit organization, AHSCA is governed by an elected 15 member volunteer board of directors. The provincial office is located in Edmonton and supported by a staff of six.

AHSCA contributes to education policy by participating on provincial advisory committees. The association provides services and resources to enhance school council effectiveness, and advocates positive change in public education by partnering with government, school trustees, superintendents, principals, teachers, students and others in education.

56

## Association of School Business Officials of Alberta

---

The Association of School Business Officials of Alberta (ASBOA) is a professional organization dedicated to supporting our members and providing leadership in school business management.

**Telephone:** 1.780.451.7103  
**Facsimile:** 1.780.482.5659  
**E-mail:** [registrar@asboa.ab.ca](mailto:registrar@asboa.ab.ca)  
**Website:** [www.asboa.ab.ca](http://www.asboa.ab.ca)

Individuals working in the corporate, financial and business services areas in the kindergarten to Grade 12 public education system make up our membership. Specifically, the secretary treasurer (also known as the associate superintendent of business and financial services, or other similar titles) is a legislated position required under the School Act. The association and its membership work in partnership with Alberta Education and other education stakeholders through committee work and individual consultations to ensure that today's students and students of the future receive the best education they can within the resources provided by Albertans.

ASBOA is registered as a profession under the Professional and Occupational Associations Registration Act (POARA). Members of ASBOA who have achieved their certification under the School Business Officials Regulations are recognized with the title Certified School Business Official.

## Alberta Teachers' Association

The objectives of the Alberta Teachers' Association (ATA), as set out in the Teaching Profession Act, are:

1. to advance and promote the cause of education in Alberta;
2. to improve the teaching profession;
3. to arouse and increase public interest in the importance of education and public knowledge of the aims of education, financial support for education and other education matters; and
4. to cooperate with other organizations and bodies in Canada and elsewhere having the same or like aims and objects.

The ATA is governed by a representative assembly, which establishes policy, bylaws and budget. The business of the ATA is conducted by the Provincial Executive Council, which consists of elected

representatives from across the province and the executive secretary, who is the ATA's chief executive officer. The ATA's table officers are the president, two vice-presidents, the past president and the executive secretary.

The ATA has both union and professional responsibilities. As a union, the ATA holds the bargaining certificate for all teachers employed in public or separate schools. The ATA also provides legal advice and assistance to its members.

As a professional association, the ATA carries out a wide range of activities:

1. Organizes professional development opportunities for its members. The ATA funds specialist councils and teachers' conventions, offers workshops and produces publications.
2. Regulates the professional conduct of teachers in public and separate schools. The ATA prosecutes teachers charged with professional misconduct and imposes penalties (ranging from reprimands to cancellation of membership) on those found guilty.
3. Monitors the professional practice of teachers (planned). Under a proposed new regulation, the ATA would assume responsibility for ensuring that teachers meet the teaching quality standard. Teachers who do not meet the standard would be required to take remedial professional development. If remediation fails, teachers could be expelled from the profession and lose their teaching certificate.
4. Assesses teachers' qualifications for salary purposes. This task is carried out by the Teacher Qualifications Service (TQS), which follows assessment principles established by a board made up of representatives of the major education partners.
5. Helps resolve problems in staff relations. This work is carried out by an arm's length body known as the Staff Relations Mediation Services (SRMS).

**E-mail:** [postmaster@ata.ab.ca](mailto:postmaster@ata.ab.ca)

**Website:** [www.teachers.ab.ca](http://www.teachers.ab.ca)

### Barnett House (Edmonton)

**Telephone:** 1.780.447.9400

**Toll free in Alberta:** 1.800.232.7208

**Facsimile:** 1.780.455.6481

### Southern Alberta

#### Regional Office (Calgary)

**Telephone:** 1.403.265.2672

**Toll free in Alberta:** 1.800.332.1280

**Facsimile:** 1.403.266.6190

## College of Alberta School Superintendents

---

The College of Alberta School Superintendents (CASS) is a voluntary association of school superintendents and other certificated central office educational officers. Practicing members are those central office staff members who are excluded from the local bargaining units of the ATA and who are appointed and paid by their respective boards. Central office staff, who are included in the local ATA bargaining unit, may become associate members with the college in accordance with the terms and conditions stated in the bylaws.

**Telephone:** 1.780.451.7106  
**Facsimile:** 1.780.482.5659  
**E-mail:** lee.lucente@cass.ab.ca  
**Website:** www.cass.ab.ca

As the professional voice of system education leaders, CASS provides expertise, advocacy and advice to improve, promote and champion public education. Its vision is "leadership excellence for world class public education".

## Fédération des conseils scolaires francophones de l'Alberta

---

The Fédération des conseils scolaires francophones de l'Alberta (FCSFA) provides a collective voice for Alberta's five francophone authorities in matters relating to their exclusive mandate in the governance and delivery of French first language education in their regions. The fédération's goal is to work with stakeholders to ensure that students of section 23 parents enrolled in their schools have equitable access to equivalent educational programs, services and results as those provided by Alberta school boards. The FCSFA and its members also collaborate closely with francophone community organizations and associations to offer French language and cultural activities to support and reinforce the development of the francophone language and identity in students and their families.

**Telephone:** 1.780.298.4881  
**Facsimile:** 1.403.685.9884  
**E-mail:** fcsfa@rogers.com

## Public School Boards' Association of Alberta

The Public School Boards' Association of Alberta (PSBAA) is a voluntary association incorporated as a non-profit society in accordance with the laws of Alberta. Members are school jurisdictions, including the board of trustees and senior administrators. There are 42 public school jurisdictions in Alberta: 31 belong to the association as well as the St. Albert Protestant

Separate School District, which is eligible for membership as it is the de facto public school system in that city. As we Champion Public Schools, we ensure that all our initiatives reflect our foundation statement of beliefs:

**Telephone:** 1.780.479.8080  
**Toll free in Canada:** 1.800.661.4605  
**Facsimile:** 1.780.477.1892  
**E-mail:** [gensec@public-schools.ab.ca](mailto:gensec@public-schools.ab.ca)  
**Website:** [www.public-schools.ab.ca](http://www.public-schools.ab.ca)

### Public Schools Alberta's First Choice

"We believe public schools are the first choice of our communities, where all our children learn and live the values of democracy together, reflecting our hope and shaping the future of our communities."



Marian Johnson, administrative assistant to the executive director, (left) records a table discussion at the June 5 meeting for the ASBA's 2007 Governance Review.

# frequently asked questions – a legal perspective

## 1. Where does the board of trustees get its authority from?

### Answer

---

The School Act. The board of trustees exercises its decision-making authority by passing resolutions. These resolutions must be made by the corporate board at a properly constituted meeting. An individual trustee, even the chair, cannot make decisions for the board without board authority.

When the school board makes a decision it may only act in accordance with the legislation which creates and regulates it. So as delegates, the board of trustees

- *may* do what the legislation says they *may* do
- *must* do what the legislation says they *must* do and
- *must not* do what the legislation says they *cannot* do or does not grant the authority to do.

School boards may also exercise powers fairly implied in, or incidental to, the powers set out in the School Act as well as powers essential to the accomplishment of their expressed objects and purposes.

The board of trustees does not have any general authority. This means, for example, that the board of trustees cannot decide to offer post-secondary education in the province of Alberta.

## 2. What authority does the School Act grant to the board of trustees?

### Answer

A board of trustees has been granted many types of authority to carry out the mandate of providing kindergarten to Grade 12 education within its jurisdiction. The exercise of many powers under the School Act is discretionary. These powers are in relation to the provision of educational services and related incidental matters.

A school board's "powers" are discretionary while its "duties" are mandatory.

Section 60(1) of the School Act describes some of the "duties" of school boards. For example, a school board *must*:

- establish policies respecting the provision of educational services and programs
- maintain, repair, furnish and keep in good order all its real and personal property

Sections 60(2) and 60(3) of the School Act describe some of the "powers" of school boards. For example a school board *may*:

- charge a parent of a student fees with respect to instructional supplies or materials
- make rules respecting activities sponsored or approved by the school board

Trustees representing 44 school boards participated in the June 5, 2007 meeting for the ASBA's Governance Review.



### 3. Can and how does the board of trustees delegate authority?

#### Answer

---

The board of trustees may delegate any act or thing it is required to do or any power that the board may or is required to exercise except for the following matters:

- the power to make a bylaw,
- the power to close a school or school building,
- the power to requisition funds from a municipality, and
- the power to hold a hearing about a teacher transfer.

A board of trustees may only delegate the power to suspend or terminate a teacher to the superintendent.

To delegate authority, a school board must pass a resolution. School boards may delegate parts of board authority to other individuals: employees – particularly the superintendent; a board committee of trustees and/or jurisdiction staff; a school council; and/or a joint committee with another board or a municipality. It is important to make the terms of the delegation clear so the employee or committee receiving the delegation clearly understands its roles and responsibilities and whether it has final decision-making authority.

62

For example, if a school board were to delegate responsibilities to hear recommendations for expulsion to a committee of the board, it would need to empower that committee to make the final expulsion decision. On the other hand, if the school board were to establish a committee to consider transportation issues, this committee would not likely have final decision-making ability – only the ability to make recommendations to the school board.

When making policy or rules, it is important for the board to ensure it has the legal authority to establish the proposed policy. In other words, the board needs to ensure it acts within its jurisdiction, or the policy may be challenged and found unenforceable if made outside of its authority or contrary to the general law.

Many school board policies reference School Act provisions (or other legislation) setting out the statutory grant of authority, which governs making that particular policy. This ensures the question of whether the school board has the authority to make a given policy is considered and answered before the policy is introduced.

The school board is the final decision-maker on board policy, though most boards consult before passing a new policy or amending an existing policy. Sometimes this consultation involves school staff or parents; other times it involves the broader community. School administrators can be helpful in developing policy, by providing rationale for a policy and advice about implementing same.

By definition a policy is a general document. It is impossible to imagine every permutation of events that might be covered by policy – and accordingly most policy sets out guidelines and leaves the specifics to be determined on a case-by-case basis.

In Alberta, school boards use different policy models to describe their decision-making structures, and the roles and responsibilities of the board and its administration. The policy governance model a board chooses is vital to the effective operation of the board and should be considered carefully.

## 4. What is a school board hearing?

### Answer

School boards have the authority and responsibility to adjudicate certain disputes or carry out quasi-judicial hearings, which is the act of decision-making by determining facts and applying a set of rules to those facts.

School board may hold quasi-judicial hearings regarding:

- the transfer, suspension or termination of a teacher or the administrative designation of a teacher (sections 104-109 of the School Act),
- the expulsion of a student (sections 24-25 of the School Act),
- access to, or issues about accuracy or completeness of information in a school record (section 123(4) of the School Act),
- any decision by an employee of a board that significantly affects the education of a student, including, for example, the placement of a student in a special education program, the amount or payment of school fees, whether a particular student is a resident student of that board (sections 123-124 of the School Act), or whether the board will provide supervision for a home education program for the student (section 29 of the School Act).

The School Act contains a "reasonableness" limitation on all actions taken by a school board. Section 2 of the School Act says:

*2 The exercise of any right or the receipt of any benefit under this Act is subject to those limitations that are reasonable in each circumstance under which the right is being exercised or the benefit is being received.*

This means that in all actions, including appeals heard by the board, the board must act in a reasonable fashion. Such a limitation arguably exists for any school board notwithstanding this provision, but it is an important provision to be aware of when making decisions as a board.

## 5. What if I know the person appealing a decision to the school board?

### Answer

---

Administrative law requires a school board to make its decisions impartially. Therefore a decision-maker must not have an actual or apprehended bias for or against a party attending before it.

The Alberta Court of Appeal has divided "bias" into three different categories:

- an opinion about the subject matter so strong so as to produce fixed and unalterable conclusions;
- any pecuniary bias, however slight;
- personal bias, due to association with a party or hostility to a party, to the extent there is a real likelihood of bias or an appearance that justice cannot be done in the circumstances.

Trustees must not breach the duty to avoid "bias" as defined by the Alberta Court of Appeal. Issues of potential bias arise where a trustee is related to a party or is a business partner of a party, or the trustee member or his family or his employer has a financial stake in the outcome of a hearing.

64

Bias can also arise if a trustee appears to align himself or herself with or against one party. Remember the test for bias is whether a reasonable person, knowing all of the facts, believes there is a "reasonable apprehension of bias".

If you are in doubt about potential bias, the most prudent course of action is to disclose the potential bias to the parties and seek their consent for you to continue to hear the appeal. If the parties do not all consent to you continuing to hear the appeal, the board can hear arguments about whether you should be removed from the panel and vote on that issue prior to hearing the merits of the appeal. Alternatively, you can remove yourself voluntarily and have the remainder of the board hear the appeal.

## 6. Are there formalities we must observe at board meetings?

### Answer

---

The school board may only make a decision or establish a policy at a properly constituted meeting of the board which means:

- The board must achieve quorum. If a meeting or hearing doesn't have a quorum of the board, the trustees present may not simply have a staff member or some member of the public fill in for the missing board member.
- Only the trustees attending the board meeting may vote on any matter. Participation via telephone or other audiovisual means is not explicitly permitted by the School Act.
- The board chair presides over board meetings.

Often a school board will adopt rules of procedure such as Robert's Rules to govern how business is to be conducted at board meetings.

## 7. Are school board meetings and hearings open to the public?

### Answer

---

For the most part, board meetings are public. However, the board of trustees is not required to hold a hearing or a meeting in public, or to discuss in public every item which may come before it. Section 70(3) of the School Act sets out when a board may hold a meeting of the board in camera: when a majority of the trustees are "of the opinion that it is in the public interest to hold the meeting or a part of the meeting in private for the purpose of considering any matter".

Most appeal hearings before a school board will be private. This includes hearings about student expulsion or any personnel matters, which are generally dealt with in private, due to the fact that personal information about the affected person is discussed in the hearing and it is not appropriate to carry out that discussion in public. There are also several circumstances where the Freedom of Information and Protection of Privacy Act will prevent the board from discussing matters in public. (See discussion below.) The board may recess, deliberate and make its decision in private, but then must make a resolution to go back into the public meeting, and make in public any resolution arising from the private discussion. The resolution ought to be worded in a way that does not inappropriately reveal personal information about individuals or other private information.

## 8. What, if any, information must be kept confidential?

### Answer

---

Pursuant to the Freedom of Information and Protection of Privacy Act (FOIP) a trustee must keep all personal information and any records that contain personal information about an individual confidential. All information that a trustee receives that may pertain to the mandate and functions of the school board are considered records under the control of the school board. Therefore, things such as employee information, student information or information contained in letters sent to the school board must be kept confidential and may only be released in accordance with FOIP. Each school board has a FOIP officer who is familiar with the workings of FOIP. Each school board has policy concerning retention and destruction of records that must incorporate or satisfy FOIP obligations. Documents and letters received by the trustee in their capacity as trustees must be processed and treated pursuant to the board's FOIP rules. Many boards have policies dealing with the receipt and processing of such documentation, which should be carefully adhered to in order to avoid any inadvertent disclosure of third party information that may be placed initially in the hands of an individual trustee. Trustees must take an oath of office that requires they act in the best interests of the corporation. Information received in confidence must be respected and not disclosed to members of the public or taken advantage of for personal gain. To take financial advantage of information received as a trustee is a disqualifying event under the School Act, and a trustee who does so could be required to account for profits made on the basis of information that came to the knowledge of the trustee while acting in a fiduciary position. Similarly, a trustee should not disclose confidential deliberations relating to school board business to anyone including family, friends, constituents and the public generally. While meetings of the board are to be held in public, the board is able to meet in camera (in private) in certain circumstances. Pursuant to section 70(3) of the School Act, when a majority of the trustees present at a meeting of the board are of the opinion that it is in the public interest to hold the meeting or a part of the meeting in private for the purpose of considering any matter, the board may, by resolution, exclude any person from that meeting. Matters typically dealt with in in camera sessions would include personnel matters, real estate matters and legal advice. A similar provision allowing for the protection of local public body confidences is found in FOIP and similarly allows a board to protect the substance of its deliberations in specified circumstances.

# at your service...the ASBA staff

October 2007

For biographies of the ASBA staff,  
see [www.asba.ab.ca/people/asba\\_staff.html](http://www.asba.ab.ca/people/asba_staff.html)

## General Inquiries

---

**Tamara Stecyk**  
Receptionist  
1.780.482.7311  
tstecyk@asba.ab.ca

## Executive Office

---

**David Anderson**  
Executive Director  
1.780.451.7109  
danderson@asba.ab.ca

**Marian Johnson**  
Administrative Assistant  
to the Executive Director  
1.780.451.7101  
mjohnson@asba.ab.ca

**Teresa Ergezinger**  
Administrative Assistant  
1.780.451.7129  
tergezinger@asba.ab.ca

## Budget

---

**Heather Rogers**  
Director  
1.780.451.7114  
hrogers@asba.ab.ca

## Communications

---

**Suzanne Lundrigan**  
Director  
1.780.451.7122  
slundrigan@asba.ab.ca

**Tamara Stecyk**  
Administrative Assistant  
1.780.482.7311  
tstecyk@asba.ab.ca

## Education Consultants

---

**Leroy Sloan**  
Consultant  
1.780.451.7123  
lsloan@asba.ab.ca

**Terry Gunderson**  
Consultant  
1.780.451.7116  
tgunderson@asba.ab.ca

**Mat Hanrahan**  
Senior Advisor  
1.780.451.7117  
mhanrahan@asba.ab.ca

**Bobbie Garner**  
Administrative Assistant  
1.780.451.7130  
bgarner@asba.ab.ca

**Heather Tkachuk**  
Administrative Assistant  
1.780.451.7125  
htkachuk@asba.ab.ca

## Insurance

---

**Heather Rogers**  
Director  
1.780.451.7114  
hrogers@asba.ab.ca

**Nieta World**  
Consultant  
1.780.706.3344  
nworld@telus.net

## Labour Relations

---

**Mac McDonald**  
Director  
1.780.991.3071  
mmcdonald@asba.ab.ca

**Kendra King**  
Labour Relations Consultant  
1.780.451.7119  
kking@asba.ab.ca

**Scott McCormack**  
Labour Relations Consultant  
1.780.451.7132  
smccormack@asba.ab.ca

**Rita Trippel**  
Administrative Assistant  
1.780.451.7104  
rtrippel@asba.ab.ca

## Mailing address:

Alberta School Boards Association  
1200, 9925 – 109 Street  
Edmonton, Alberta  
T5K 2J8

## Main switchboard:

1.780.482.7311

## Legal Services

---

**Debra Tumbach**  
Senior Lawyer  
1.780.451.7118  
dtumbach@asba.ab.ca

**Grace Garcia Cooke**  
Lawyer  
1.780.451.7121  
gcooke@asba.ab.ca

**Karen Munro**  
Lawyer  
1.780.451.7138  
kmunro@asba.ab.ca

**Yvon Prefontaine**  
Lawyer  
1.780.451.7131  
yprefontaine@asba.ab.ca

**Angela Town**  
Lawyer  
1.780.451.7112  
atown@asba.ab.ca

**Jennifer Elsinga**  
Senior Legal Secretary  
1.780.451.7115  
jelsinga@asba.ab.ca

**Gloria Schaaf**  
Senior Legal Secretary  
1.780.451.7124  
gschaaf@asba.ab.ca

## Trustee Development

---

**Donna Engel**  
Director  
1.780.451.7110  
dengel@asba.ab.ca

**Noreen Pownall**  
Administrative Assistant  
1.780.451.7102  
npownall@asba.ab.ca

