



BROWNLEE LLP
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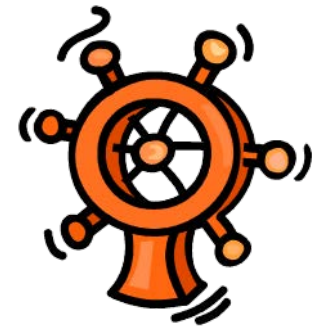
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1. Personnel Governance
2. Board role and responsibilities
3. Superintendents role and responsibilities
4. Making the relationship work
5. Common pitfalls
6. What the relationship *Is* and *Isn't*
7. Teacher and Principal terminations
8. Teacher transfer basics
9. Teacher transfer legal issues

- Board or Superintendent?
- Board boss of Superintendent
- Superintendent boss to everyone else



- Set the Course / Goal / Budget
- Hands Off the Wheel!
- Set up Monitoring and Evaluation Mechanism



- Operations
- Daily management of resources
- Direction and supervision of staff
- Communication to Board
- Accountable to Board

- Regular and open communication
- Timely and productive feedback
- Coordinate, consult, trust, respect, and encourage
- Enable and empower the Superintendent to do the job
- Ensure expectations and limits of authority are understood
- Recognize mutual dependence without losing discrete roles and responsibilities

Common Pitfalls

- Single Trustee acting alone
- Conflicting directions
- Risk of ineffective discipline
- Risk of constructive dismissal and/or personal liability of a Trustee
- Employees ignoring chain of command



Teacher and Principal Terminations

- Board should ensure this has been delegated to the Superintendent
- This is not only permitted by the *School Act* but is highly effective and recommended:
 - Faster
 - Smoother
 - Less room for error
 - Less room for technical challenge
 - Less political

Teacher Transfer Basics

- *School Act* right to appeal to Board (s.104)
- Teacher must make written request within 7 days of transfer notice
- Hearing must be no earlier than 14 days from transfer notice unless teacher consents
- Cannot transfer until after Hearing decision

Teacher Transfer Legal Issues

- Clear right to transfer any teacher, to any school, any time of the school year
- The question is not what is the best fit for:
 - Any one teacher;
 - Any one class;
 - Any one school
- The question is has administration exercised its discretion in good faith?

Teacher Transfer Legal Issues

- Administration juggling hundred of puzzle pieces
- Perfect fit for each teacher unrealistic
- No set right for teacher to appeal transfer beyond Board
- To appeal to Board of Reference teacher must prove constructive dismissal

Teacher Transfer Legal Issues

- To prove constructive dismissal:
 - True purpose of transfer to dump or force teacher out of division
 - True intent to punish teacher and no rationale with best interests of students in mind
- Very few transfer decisions are appealed beyond the Board of Trustees

What the Relationship Is and Isn't

- Leadership not micromanagement
- Support not interference
- Partners not adversaries



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QUESTIONS?

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