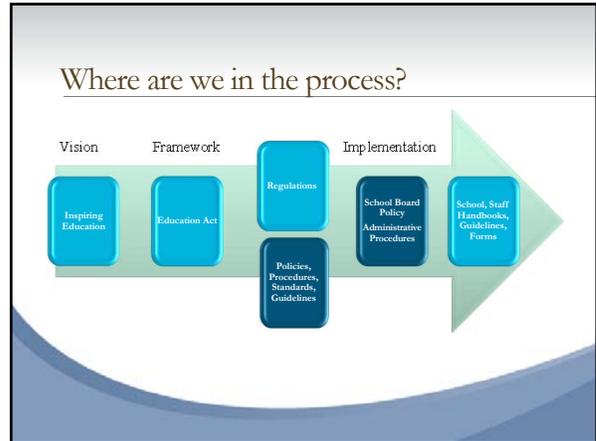


  
 Alberta School Boards Association

**Leading Local Change  
A New Act- A New Era**

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*Jim Gibbons, ASBA*  
*Randy Clarke, AB Education*  
 ASBA Spring General Meeting  
 June 2, 2015



Education Act

- Royal Assent: December 10, 2012
- Anticipated Proclamation: Sept 1, 2015
- The *Education Amendment Act*, Mar 16, 2015
- An Act to Amend the Alberta Bill of Rights to Protect our Children: Mar 19, 2015 (June 1, 2015)



Education Act Regulations

- Release: December 16, 2014
- Comment Deadline: January 31, 2015
- Anticipated Finalization: June 30, 2015(?)




*Whereas education inspires students to discover and pursue their aspirations and interests and cultivates a love of learning and the desire to become lifelong learners*

**Parts of the Education Act**

**Preamble**

- PART 1: Access to Education** - Sections 1-15
- PART 2: Opportunities for Learning** - Sections 16-30
- PART 3: Responsibilities and Dispute Resolution** - Sections 31-50
- PART 4: Board Powers and Elections** – Sections 51 -96
- PART 5: Structure of School Authorities** – Sections 97-136
- PART 6: Finance and Property** – Sections 137-195
- PART 7: Education Professions and Occupations** – Sections 196-242



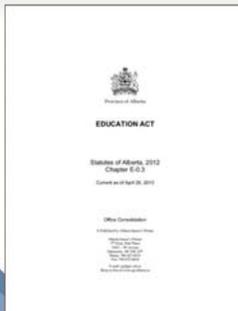
## 16 Regulations

- ASFF
- Board procedures
- Borrowing
- Charter Schools
- Disposition of property
- ECS
- Separate school establishment
- Home Education
- Investment
- Petitions & Public notices
- Private schools
- School councils
- School Fees
- School tax plebiscite
- Student records
- Student transportation

## What is the most significant change from School Act to Education Act ?

### The context:

*Inspiring Education* suggests that board governance: ...assume a more public role, one that **engages the community in an ongoing dialogue to deepen everyone's understanding of issues and trends and to generate ideas** (p. 35)

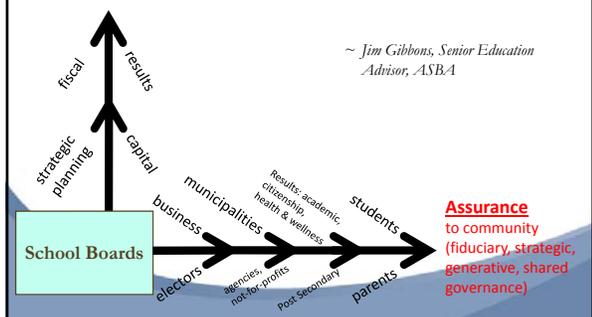


*Whereas education is a shared responsibility and requires collaboration, engagement and empowerment of all partners in the education system to ensure that all students achieve their potential*

## Paradigm shift: A new way of thinking

**Accountability**  
to government  
(fiduciary, strategic)

~ Jim Gibbons, Senior Education Advisor, ASBA



## Engagement & Collaboration

Board responsibilities

...provide, where appropriate for the engagement of parents, students, staff and community ...

...collaborate with municipalities, other boards and community based agencies...

... collaborate with post-secondary institutions and the community...

## Levels of Engagement

### Networking



- Exchange information
- Resources not needed
- Does not require trust

### Consulting



- Sharing strategies
- Highlighting common goals
- Higher level of trust

## Levels of Engagement

### Collaborating



- Shared risk, responsibilities, rewards, commitment
- Contribution of resources
- High level of trust

### Embedding



- Mergers of programs, processes
- Creation of a new entity, new vision, values, principles
- Shared governance
- Trust and commitment

## Engaging with Students as Education Partners

- *Education Act*, Sections 31; 33(1)(c), 33(2); 34 (d)
- Student roles in governance:
  - Identify and address topics and issues of concern within their school communities
  - Collaborate on developing a student code of conduct
  - Work with school and system leaders to interpret data from sources such as Tell Them From Me data
- Opportunities and Methods of engaging with students:
  - Online tools, examples: Tell Them From Me, Thoughtexchange
  - Focus groups, general assemblies, CTS coursework
  - Student Advisory Councils



## Summary of what students told us at the Speak Out Forums:

### When students are learning at their best:

- Individual learning styles are addressed
- There is a positive learning environment
- Effective teaching styles

### What's holding students back:

- Disengaged and ineffective teaching styles
- Overwhelming distractions
- Poor time management

## Summary of what students told us at the Speak Out Forums:

### Students' suggestions to improve their education:

- Evaluate current educators
- Improve the learning environment
- Focus on student health
- Independent self-improvement for students
- Improve course material
- Integrate technology in the school system

## ASBA Education Act Implementation Grant Steering Committee

ASBA  
ASCA  
ASBOA

CASS  
Alberta Education

**A S B A**  
Alberta School Boards  
Association

PROMOTING EXCELLENCE IN PUBLIC EDUCATION

HOME ADVOCACY NEWS SERVICES ABOUT ASBA SEARCH

**CALENDAR**

JUN 1-2 2016  
JUN 3 Zone 5 Meeting  
JUN 10 Zone 5 Meeting  
JUN 11 Board of Directors Meeting  
AUG 19-20 Board of Directors Meeting

**Ready for the new Education Act and regulations**

School boards have less than a year to align their local policies, administrative procedures and governance practices with the new Education Act, which is scheduled for proclamation September 1, 2015. With funding from the provincial government, the ASBA is developing resources to help school boards make the shift into Alberta's new legislative framework. Contact Jim Gibbons, Sr. Education Advisor.

**Resources for school boards**

**Highlights: Key changes to the Education Act**

Full document (PDF- 367K) published May 21, 2015

Information regarding the following key changes can be found within the full document:

- Appointment of a First Nations trustee
- Compulsory education
- RCL/Knowledge age of entry
- Education services agreements for First Nations students
- Natural person powers
- Residency based on student
- Right of access to education
- School accounts
- School discipline
- Student records

**Policy initiatives**

The ASBA has developed these policy initiatives for school boards:

- Board procedures
- Board responsibility - trustee code of conduct
- Establishment and structure of units
- Policies and public notices (PDF- 200K) Published May 21, 2015
- School discipline Published
- School fees Published
- School-level dispute resolution
- Student transportation

**Summary: Changes/Implications for current school board policies**

These changes may affect existing school board policies and administrative procedures.

- Board Finance (PDF- 134K) Published May 21, 2015
- Board responsibility - community engagement
- Board responsibility - trustee code of conduct
- Disposition of property
- Establishment of separate school districts
- Role of trustee

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**Policy initiatives**

The ASBA has developed these policy initiatives for school boards:

- Board procedures
- Board responsibility - trustee code of conduct
- Board responsibility - welcoming, caring, respectful and safe learning environments (PDF- 277K) Published May 21, 2015
- Establishment and structure of units
- Policies and public notices (PDF- 200K) Published May 21, 2015
- School discipline Published
- School fees Published
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**Resources for engaging your community in developing school board policies**

Writing a student code of conduct

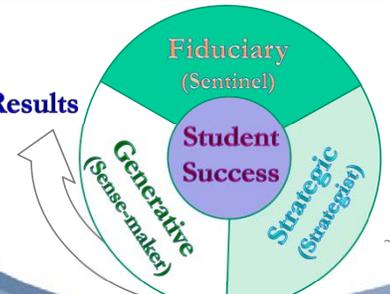
School boards are required to develop a student code of conduct and to involve their community in developing this document.

## Education Act

- Section 33 – outlines Board responsibilities
- Section 51 – grants natural person powers
- Section 52 – outlines extensive ability to delegate
- Section 53 – outlines general powers and duties
- Section 67 – requires school boards to use accountability information and report it to students, parents and electors in a manner the Minister prescribes

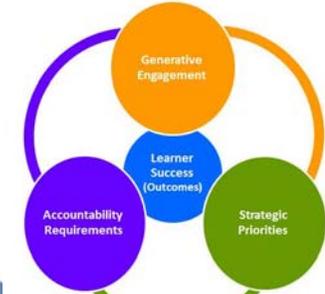


## Modes of Governance



~ Gibbons

## Assurance Model- Draft



## Education Act

Natural person powers

51(1) A board has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.

...

(3) Notwithstanding subsection (1), a board shall not engage in or carry on any activity that is not consistent with the responsibilities of a board as set out in section 33.

## Role of the Board – Policy Themes

- Engagement
- Collaboration



## Role of the Board – sample policy

- Accountability for Student Learning
- Community Assurance
- Accountability to Provincial Government
- **Fiscal Accountability**
- Board/Superintendent Relations
- Board Development
- Policy Making
- Political Advocacy



## Education Act: Board responsibilities

33(1) A board, as a partner in education, has the responsibility to

...

(h) establish and maintain governance and organizational structures that promote student well-being and success, and monitor and evaluate their effectiveness,

## Role of the Board Chair

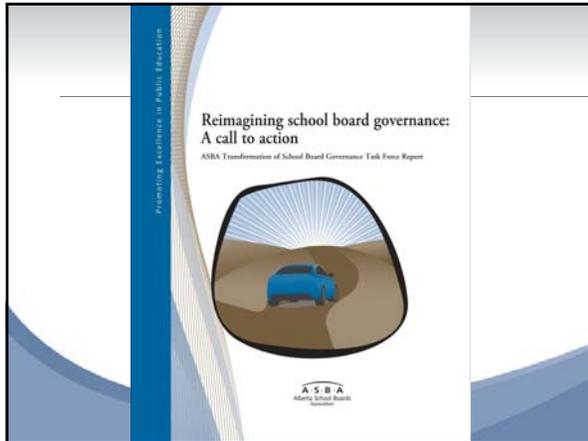


- Preside over meetings
- Be thoroughly familiar with agenda items
- Be in regular contact with the Superintendent
- Convey concerns and Board's direction to the Superintendent
- Act as chief spokesperson for the Board
- Address inappropriate behaviour on the part of a trustee
- Ensure assessments are made of Board effectiveness

## Board Chair as Leader

- Ensures each trustee has the opportunity to speak and is respectfully listened to
- Ensures that the mission/vision are at the forefront
- Is familiar with and shares provincial issues and trends
- Shares leadership with trustees
- Models the way
- Facilitator of change





## Transformation of governance

### Themes/14 recommendations

1. School boards are local governments
2. School boards are a form of representative democracy
3. **School boards are change agents**
4. **School board chairs are leaders**
5. The CEO is the school board's one employee
6. Task force recommendations to ASBA

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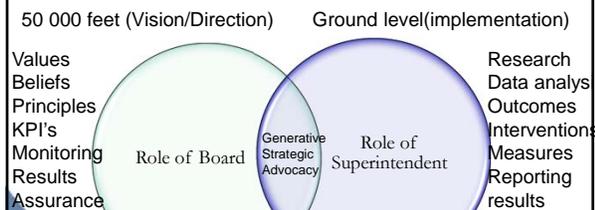
(j) recruit the superintendent and entrust the day-to-day management of the school division to the staff through the superintendent,

## Role of the Superintendent - sample

1. Student Learning
2. Student Welfare
3. **Fiscal Responsibility**
4. Personnel Management
5. Policy/Administrative Procedures
6. Superintendent/Board Relations
7. Strategic Planning and Reporting
8. Organizational Management
9. Communications and Community Relations
10. Leadership Practices



## Governance and System Leadership The First Team



## Education Act: Trustee responsibilities

34 A trustee of a board, as a partner in education, has the responsibility to

- (a) fulfil the responsibilities of the board as set out in section 33,
- (b) be present and participate in meetings of the board and committees of the board,
- (c) comply with the board's code of conduct, and
- (d) engage parents, students and the community in matters related to education.

## Trustee as Leader



- The **trustee model of representation** is a model of a representative democracy. Constituents elect their representatives as ‘trustees’ (or ‘entrust’ them) for their constituency. These ‘trustees’ have sufficient autonomy to deliberate and act in favor of the greater common good, even if it means going against the short-term interests of their own constituencies.

~ Wikipedia

## Elements of Fiduciary Duty

- To use your best judgment
- To act in the utmost good faith
- To protect the interests of the educational system
- To put the beneficiary’s interest first (*i.e.* the corporate board interest before the trustee’s personal interest)



## Trustee Code of Conduct

- Display devotion to duty
- Work in a spirit of harmony and cooperation
- State Board positions clearly
- Maintain confidentiality
- Act as a fiduciary
- Represent the Board responsibly
- Declare any conflict of interest



**PROPOSED POLICY ADVISORY**

## Ministerial Order Draft Principles

- Integrity and dignity of office
- Avoidance of personal advantage and conflict of interest
- Compliance with legislation
- Civil behavior
- Respect for confidentiality
- Upholding decisions

## Sanctions

- Letter of censure
- Motion of censure
- Removal from Board committees/representation
- Disqualification (only conflict of interest) **PRESENT**
- Disqualification (any breach of code) **FUTURE**



**In accordance with MINISTERIAL ORDER  
N.B. LEGAL IMPLICATIONS**

## Audit Committee

- The requirement under the *Education Act* for boards to establish an audit committee is new.
- Section 142 of the *Education Act* requires each board to establish an audit committee to recommend external auditors to the board, review and report to the board on the annual financial statements, and perform any other function the board determines when establishing the committee.
- There must be a minimum of five individuals on the committee and that the membership of the committee must include at least one member of the “business community” who is not a trustee, one member of the “adult learning community” who is not a trustee, and one trustee.

**INFORMATION SHEET**

## Education Act: Key Change – School Divisions

### Transitional provisions

**260(1)** In this section, “former Act” means the School Act, RSA 2000 cS-3.

...

**(10)** A school district, school division or regional division established or continued under the former Act is continued or deemed to be a school division established under this Act with the same boundaries and a name in the following form:

The \_\_\_\_\_ School Division.

## Education Act: Transitional provisions

**260(4)** A ward or electoral subdivision established under the former Act is continued and deemed to be established as a ward or electoral subdivision under this Act until the board of the school division where the ward or electoral subdivision is located passes a bylaw pursuant to section 76 to confirm or amend its boundaries

**260(5)** A board referred to in subsection (4) shall confirm or amend the boundaries of its existing wards or electoral subdivisions by March 31, 2017

## Education Act: Establishment of wards

**76(3)** A bylaw passed under this section must, if practicable, provide that the number of trustees to be elected in each ward is the same proportion to the number of trustees of the board as the population of the ward is to the population of the school division

**(4)** A board shall establish, implement and make publicly available a policy respecting the considerations and process used by the board to determine ward structures.

## Education Act: Right Access to Education

3 Every person

- (a) who at September 1 in a year is 6 years of age or older and younger than 21 years of age,
- (b) who is a resident of Alberta, and
- (c) who has a parent who is a resident of Canada

is entitled to have access in that school year to an education program in accordance with this Act.

## Alberta School Foundation Fund Regulation

### ► Count Date

Removes reference to September 30th as the “count date”; now uses “last day of September on which instruction is given”

- Eligible student: no longer requires the parent to be resident in Alberta; only the student
- Students under the age of 22 as of September 1 are funded

## Education Act: Key Change – Compulsory Education

### Compulsory education

**7(1)** Every person

- (a) who is a resident of Alberta and has a parent who is a resident of Canada,
- (b) at September 1 in a year is 6 years of age or older, and
- (c) subject to subsection (2), is younger than 17 years of age shall attend school.

**(2)** Subsection 1(c) does not apply to a person who is younger than 17 years of age who has attained high school completion in accordance with the requirements prescribed in an order of the Minister under section 18.

## Education Act: Key Change – Residency

### Resident student

4(1) Subject to this section, a student is a resident student of the board of the school division in which the student resides.

.....



## *Student Record Regulation*

This regulation sets out what information is to be included and not included in the student record; the retention, disposal and destruction of the student record; access and disclosure of information, student transfers and compliance.

## *Student Record Regulation*

- ▶ Gender Information
- ▶ Residency/Citizenship Information
- ▶ Suspension/Expulsion History

Removing the time requirement to maintain information on the student record relating to suspensions (of more than one day) and expulsions, for a minimum of one year and a maximum of 3 years following the date of the suspension/expulsion

- ▶ Application for accommodation or exemption
- ▶ Assessment or evaluations categories
- ▶ Access to student record
- ▶ Student/record transfer

## Table talk Scenarios



# Thank you!