

**Zone 1 Alternate School Year
Phase 1 Study Report**

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For the Zone 1 Alternate School Year Steering Committee

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Executive Summary

This study was conducted to provide preliminary feasibility information as the first phase of a two phase initiative. The inquiry focused specifically on an alternative calendar which begins early in August and finishes at the end of May with a break between terms at the Christmas holiday period, implemented uniformly by all the school jurisdictions in the Zone.

The study involved interviewing a representative cross-section of stakeholders (64 respondents), contacting a number of external sources for information, including securing a legal opinion on the proposed change and reviewing selected literature and other data.

The stakeholder interviews indicated a high level of support for the idea (approximately 70% of the respondents supported or strongly supported both the pilot project and ongoing versions), but their comments reflect many reservations about implementation. While the idea may be attractive, it may not be doable.

The benefits most frequently identified were that the long daylight and mild weather in June make it a better time for holiday than instruction, that there would be better student satisfaction and achievement results for semester 1 by completing examinations before the Christmas break, and that the change would avoid the disruption and review time due to the Christmas break occurring late in the semester which makes January less effective instructional time.

The problems and concerns most frequently identified were disruption of parent, community and business customs regarding vacation time and holiday scheduling in August, securing transition year funding for the additional month's operating costs, the short summer holiday in the implementation year, peoples' resistance to change and uncertainty, and being out-of-step with the rest of the province.

Alberta Education support at the Ministerial level is recognized essential both with respect to implementation/transition funding and the provincial examination program schedules. Securing this support will require a high level of Board of Trustees commitment and public endorsement.

While the Zone's Boards of Trustees were united on proceeding with a study, it appears doubtful that unison is present at this time for proceeding with implementation or undertaking phase two activities. However, if phase two does proceed a key consideration will be how much to market or 'sell' the proposed change to parents and the public, as opposed to an approach of presenting information in as neutral a way as possible and seeking feedback – gathering opinion or influencing it.

There does not appear to be any clear or substantial data in the literature or from external sources that provide a compelling rationale for making the change. The findings failed to support or were inconclusive on several of the main propositions regarding improving

student achievement outcomes and post-secondary transition rates. Phase two would be about securing support for anticipated outcomes, not demonstrated ones.

Without additional provincial funding to address implementation costs, which has not been committed, in practical terms there does not appear to be a viable implementation strategy for this initiative.

A longer term perspective for Zone 1 could include advocacy for more flexibility in the provincial examination system and coalition-building with other jurisdictions beyond the Zone to help address the obstacles and better enable a calendar change in the future when fiscal circumstances may be more opportune.

Background

In October, 2007, representatives from ASBA Zone 1 and Alberta Education met to discuss the possibility of changing the current school year to have semester one start in early August and end prior to the Christmas break. Semester two would start in January and end in early June.

Subsequent discussions identified the following reasons why the proposed alternative school year would enhance student learning and achievement:

- Improvement in student learning outcomes by minimizing non-instructional time and by avoiding the less productive learning time in June.
- Improvement in transition rates between high schools and post-secondary institutions by aligning semester completion dates, by aligning instruction schedules, and by aligning with post-secondary institutions for a January transition from high school.
- Improve the level of safety offered by schools by avoiding the need to transport students to Diploma exams during the more severe weather conditions that often occur in January.

At an ASBA Zone 1 meeting in November 2007, the proposal received unanimous support and it was agreed to advance the proposal to Alberta Education. Each Zone 1 Board also passed a motion of support.

The following guiding principles were identified for the alternative school year calendar:

- The school year shall be organized to provide an optimum of quality instructional time
- Instruction and assessment cycles shall be organized in consideration of natural breaks in the calendar and seasonal factors that affect schools and students.
- The school year shall provide maximum flexibility to allow students to participate in programs offered by post-secondary institutions.
- School jurisdictions within the same community and those who share students and services will also share the same school year calendar.
- The feasibility study will invite input from all stakeholders and will address the key issues about additional costs in the transitional year.

The total enrolment of the Zone's nine school jurisdictions is about 32,600 students, which is approximately 5.5% of the provincial enrolment.

The Phase One Study: Feasibility Assessment

The purpose of this study is to gain an understanding of the affect the school year has on academic achievement and on transition rates between high school and post-secondary education. During this time, issues with implementation of the alternative school year calendar will also be identified.

A steering committee was formed to oversee the study, and a researcher with the appropriate experience and expertise engaged to gather data and prepare this report. Report findings and recommendations will be taken back to the steering committee as well as to ASBA and CASS Zone 1.

Phase Two: Implementation Process

Phase two will only occur if, on the basis of the phase one report and other considerations, stakeholders agree there is sufficient benefit to students to justify the implementation of an alternate school year.

This phase of the project would involve the creation and implementation of an effective communication plan to ensure parents, teachers and students are aware of the initiative and have the opportunity to provide input on the proposed school year. This would include face-to-face meetings with stakeholders from across Zone 1. The team would then collect and analyze questions and concerns to ensure all of the issues are discussed and addressed.

Methodology

1. The scope and design of the study was finalized with the steering committee. **This inquiry focused specifically on an alternative calendar which begins early in August and finishes at the end of May with a break between terms at the Christmas holiday period, implemented uniformly by all the school jurisdictions in the Zone.** This format is often referred to as a **balanced school year calendar** to distinguish it from other modified and year-round schooling arrangements.
2. A preliminary discussion with Zone 1 CASS & ASBOA members was held in December 2008 to inform the study process.
3. Interviews with a representative sample of participants from each of the stakeholder groups were planned and conducted during January – March 2009. In consideration of the demographic and geographic variances across the zone, this was organized on a jurisdiction by jurisdiction basis. An interview guide was developed in consultation with the steering committee and was piloted with the first group of respondents. No revisions were necessary after the pilot phase and those response are included in the interview findings. The interview sample totaled 64 respondents, with the following distribution by category:
 - ASBA: Board Chairs: 7
 - CASS: Superintendents: 8
 - ASBOA: Secretary-Treasurers, Corporate Secretaries, Directors of Finance: 8
 - Support Services (Facilities and Student Transportation) Managers: 5
 - ASCA: School Council / PAC chairpersons: 9
 - ATA: Local Presidents: 4
 - School principals: 11
 - High school students: 10
 - Business community (Chamber of Commerce) representatives: 2

The geographic dispersion of the respondents included the following communities: Beaverlodge, Grande Prairie, Rycroft, Fairview, Peace River, St. Isidre, Manning, Fort Vermillion, Rocky Lane, McLennan, High Prairie and Slave Lake. The interviews were conducted face-to-face in most cases, but in a few instances telephone interviews were done to accommodate travel and scheduling constraints.

4. An analysis was undertaken of alternate school years literature compiled by Alberta Education using a reference list provided by the Alberta Education Reference Librarian and other selected additional references.
5. Consultations were made with Alberta Education personnel regarding general implications of the initiative and with respect to the provincial examination program.
6. Contacts were made with Superintendents or designates of jurisdictions which have or had implemented alternate school year calendars in circumstances relevant to this initiative.
7. Identification of and consultation with a solicitor was undertaken to secure a legal opinion with respect to the Zone's initiative.
8. Consultations were made with two Post-Secondary institution representatives regarding implications of the proposal from that perspective.
9. Consultation was made with Alberta Teachers' Retirement Fund (ATRF) personnel on pension aspects of the proposal.
10. Consultations were made with Northern Gateway RD and Living Waters CRD Superintendents on the inter-zone interface implications for their jurisdictions.

Appreciation is expressed to all the respondents and other sources who made their time and insights available for the study; especially to I. Cheikhi and B. Perry at Alberta Education and E. Groch at Alberta Teachers' Retirement Fund for their direct contributions to this report.

Findings

Summary of Stakeholder Interviews

The total number of respondents was 64. For comments receiving multiple similar responses, the number of respondents making the comment is indicated in parenthesis. The interview guide is attached as Appendix 1; for simplicity of presentation several of the questions have been combined into common sections.

Advantages and Benefits of the proposed alternative (interview questions 1 and 2):

- Long daylight and mild weather in June make it a better time for holiday than instruction (34)
- Better student satisfaction and achievement results for semester 1 by completing examinations before the Christmas break (29)
- Avoids the disruption and review time due to the Christmas break occurring late in the semester which makes January less effective instructional time for high school students (21)
- Provides a better transition for some high school students to post-secondary programs (17)
- Better alignment with the post-secondary calendar would be good (8)
- August to May is a better time for learning and June is a better time for vacation activities (8)
- Avoids scheduling Diploma examinations during the extreme cold weather that often occurs in late January (8)

- Christmas break is a natural division for the year (8)
- Improved student achievement results (6)
- Christmas holiday not conflicted with studying and preparation for semester 1 finish and examinations (4)
- Earlier seasonal access to contractors for facility maintenance work (3)
- Enables maintenance staff to holiday in August (3)
- Facilitates a better season for football (3)
- Reduces stress of the current year schedule on staff (2)
- Farming community would like school to finish earlier but also still start in September, so this addresses half of the want (2)
- June is a better holiday month than August for the farming community (2)
- Provides opportunity for students completing high school after the first semester to make an earlier entry to the job market (2)
- Students can access the summer job market earlier
- Improved student attendance
- Removes the problem of high school students not returning after Christmas to complete semester 1
- Provides a better motivational situation for teachers
- Provides a better summer break travel opportunity for teachers from the Maritime Provinces.

Problems and challenges of the proposed alternative (interview questions 3 and 4):

- Disruption of parent, community and business customs regarding vacation time and holiday scheduling in August (34)
- Securing transition year funding for the additional month's operating costs (30)
- Short summer holiday in the implementation year (29)
- Peoples' resistance to change and uncertainty (27)
- Being out-of-step with the rest of the province (25)
- Securing parent buy-in to the change to a new schedule (24)
- Availability of provincial examination for this schedule (23)
- Scheduling issues with out of zone student sports and other extracurricular activities (21)
- Securing staff buy-in (13)
- Reduced access to summer teacher PD and university courses (11)
- Reduced attendance in August due to parents' conflicting family priorities (9)
- Conflict of fall term end activities and examinations with Christmas concerts and music programs (8)
- Conflicts with community sports schedules (8)
- Hot weather days in August in non-air conditioned buildings (7)
- High stress of transition on staff and students (5)
- Adjusting operating year data to provincial reporting year cycle (4)
- Developing thorough, well thought out implementation and communication plans (4)

- Issues specific to Northland School Division's unique organizational and inter-zone structure (4)
- Short spring outdoor activities sports season (3)
- Ft. Vermillion School Division activities are not integrated with the other jurisdictions in the zone and therefore it may not participate in this initiative (3)
- The value or benefit to students of doing this is unclear (2)
- Student transfers in and out of the zone in high transient population communities (2)
- Intense first term with no mid-term break (2)
- Providing sufficient lead time for operational changes (2)
- Balancing the number of high school instructional days in the first and second semesters (2)
- A Zone transition team with a staff component would be needed for the transition period to give full-time attention to the details of implementation (2)
- Keeping all the jurisdictions and federal (band) schools on-board with the change (2)
- Communicating the idea thoroughly with communities, staff and employers
- A diploma examination schedule before Christmas would take up most of the instructional days available in December
- Non-resident mothers attending Grande Prairie Regional College in September who bring school aged children with the would have their children starting late in the school year
- Change impacts all schools while the main benefit is limited to high schools
- Additional administrative processes needed to deal with transition year activities and issues
- Internal workflow adjustments to align with the changed operating cycle
- Risk of one objecting jurisdiction blocking unified zone implementation
- Diploma examinations in May conflicting with other high school student activities at that time
- Extra time and effort required to manage emergent, unforeseen challenges arising from the transition
- Securing a change in Alberta Education reporting timelines
- The availability time of grade 12 final marks may not provide any significant benefit for post-secondary application timelines
- Empty building period for scheduling major facility maintenance work would be reduced in the implementation year.

Additional comments regarding implementation (interview question 5)

Curriculum

- The more compact first term or semester would be better for instruction (12)
- The earlier start would be good for the outdoor component of various programs (7)
- Loss of outdoor season for second semester physical education courses (2)

- Concern about timely availability of learning resources and supports for new curriculum implementation (2)
- Need for teacher acceptance
- Out of step for provincial curriculum support
- A better calendar for FNMI students
- Positive effects from creating change and a new instructional situation
- Out of step for distance delivery (video) courses with out of zone providers or participants.

Examinations

In addition to the availability of provincial examinations for the alternate schedule as previously reported, the following comments were made:

- Better to write first semester Diploma examinations before Christmas (20)
- Concern about the additional cost for having an alternative Provincial Achievement Test and Diploma examination schedules (12)
- Concern about teacher marking arrangements and timelines (6)
- Possibility of avoiding the dual exam schedule issue by implementation of a more flexible, alternative ICT based examination system; this dependant on high-level Alberta Education direction (5)
- Better to write Provincial Achievement Tests in May (4)
- Consider not doing provincial testing to enable implementation of this calendar (3)
- Concern about problems with the standard-setting process if the zone is out-of-step.

Student Transportation

- Uncertainty about school bus driver availability in August (21)
- Reduced pressures to operate buses in extreme cold weather for the Diploma examination schedule in that December is perceived as milder than late January (13)
- Maintain coordination of shared services among jurisdictions (9)
- December weather perceived as not significantly different from January (4)
- Cross zone boundary shared service issues exist for schools in Valleyview and Slave Lake (3)
- Implications for bus fleet replacement scheduling.

Human Resources

- Being out-of-step with the rest of the province and country would be an impediment to recruiting certificated staff from outside the zone due to different start/end dates for teacher contracts (10)
- Staff would benefit psychologically from the more natural schedule of a break over Christmas (9)
- Effect on teachers' pensionable service of transferring in or out of service on the alternate calendar (7)

- Collective agreement adjustments would need to be negotiated regarding teachers, support staff and/or bus drivers (6)
- An advantage to commencing staff recruitment earlier in the year (5)
- More difficult to recruit new teachers from the maritime provinces due to university and practicum schedules there (4)
- Employee confusion about transition pay calculations and adjustments (2)
- Concern about the possibility of teachers signing on to work for August, then giving immediate 30 day notice and moving to work at another jurisdiction out of the Zone in September.

Budgets

In addition to securing transition year funding for the additional month's operating costs as previously reported, the following comments were made:

- Most costs would just time-shift rather than change (15)
- Concerns about the September 30 enrollment count date being two months into the operating year to finalize revenue and adjust site budgets (7)
- Adjustments to the budgeting/funding and reporting cycles would need to be worked out with Alberta Education (6)
- Additional human resources would be required for work associated with the implementation process (4)
- Better off-peak pricing for facility maintenance work available earlier in the season (2)
- School operations already need more money: this initiative should not divert resources away from schools' operations (2)
- Earlier budget input information would be needed – the budget development timeline is already tight.

Ongoing Issues (interview question 6):

- Accommodation of the alternate year would get easier over time (13)
- There will be a continuing need for accommodation arrangements to be developed for unanticipated matters that arise from being out-of-step with the rest of the province (7)
- Staff recruitment from out of the Zone will be a continuing problem due to different employment contract start/end dates (5)
- Student and staff transfers into and out of the zone (5)
- There should be a built-in review after 3 to 5 years to determine ongoing level of support (2)
- Persistent staff unease
- Changing back again to the traditional calendar would create another set of issues
- Northland School Division schools would move into this at their own pace
- Adjusting operating cycle data to Alberta Education reporting timelines
- People newly moving into the Zone will continually be questioning why the alternate calendar is in place here.

Social Concerns regarding implementation (interview question 7):

In addition to the disruption of parent, community and business customs regarding vacation time and holiday scheduling in August as previously reported, the following comments were made:

- Scheduling conflicts with respect to summer community sports programs and summer sports camps (25)
- Changes to student summer work and summer job availability arrangements (17)
- Coordination with community organizations whose programs and schedules are tied to the traditional school year calendar (15)
- Out of zone events cultural and sports events scheduled in August (10)
- Conflicts with farming activities that get underway in August (10)
- Conflict with ASAA provincial track and field schedule (9)
- Problematic for families with in-Zone and outside of the zone commitments or custody arrangements (9)
- Possible disruptions of child-care arrangements both in June and August (5)
- In years when Easter is late on the calendar it will fall close to the end of the second semester and high school graduation activities (5)
- Family moves/transfers into or out of the Zone (3)
- People will adjust their holidays – this is not as big a factor as it might appear (3)
- People do not like to change their established arrangements (3)
- Fishing is better in June but the lakes are warmer for water sports in August (2)
- June vacation time is better for cattle operations
- A better accommodation for traditional aboriginal communities' activities early in the summer.

Financial Implications (interview question 8):

In addition to the securing of transition year funding for the additional month's operating costs as previously reported, the following comments were made:

- No personal implications (21)
- Possibility of off-peak travel cost savings in June (9)
- Cost of the additional work required for payroll, accounting and data reconciliation to Alberta Education reporting cycle activities (4)
- Better summer job earning period for grade 12 to post-secondary transition (3)
- Expectation of pay for the extra month's work transitioning into the alternate year and for the extra month off if it was decided to revert back to the traditional calendar (3)
- The one month vacation period in the implementation year would create additional staff release time / coverage costs for businesses that could be problematic (2)
- Any additional costs would be unwelcome in the current recessionary period (2)
- Would be a better fit to contract bus service for forest fire suppression activities, potentially enabling additional revenue to be generated
- Northland School Division would incur substantial internal implementation costs due to its organizational structure
- There would be additional staff orientation and summer PD costs

- Additional costs to complete required school bus maintenance activities during the shortened summer holiday of the implementation year
- There would be ongoing costs for making accommodations for circumstances which arise from being out-of-step with the rest of the province
- Families with ample means will adjust to any calendar but those without will be disadvantaged by costs arising from being out-of-step with the rest of the province.

Decision making process for proceeding with a pilot project (interview question 9):

- Secure a lot of community engagement and consultation for input so that communities have a voice in the decision before it is made (26)
- Provide people with ample information and a lot of lead time for them to consider the proposal (22)
- Establish that this would be a broad-based decision with a clear indication of public support: a super-majority (67% - 75%) endorsement level (14)
- Sell/market the idea to parents and gauge their support before Boards of Trustees consider proceeding with implementation (13)
- Provide for staff consultation and input (7)
- Establish an authoritative decision for implementation by all of the Zone jurisdictions moving together on this – a jurisdiction by jurisdiction approach would not work (7)
- Requirement for individual Board of Trustee decisions by each jurisdiction to remain engaged in the project and proceed with implementation (6)
- The proposal needs to have Alberta Education support, cooperation and leadership regarding transition funding for the additional month's operation and adjusting provincial examination schedules (5)
- The Zone's Boards of Trustees would need to agree to some kind of a legally binding commitment for a term certain that established the approach to be taken and how to deal with any unanticipated situations which might arise, and including a fail-safe exit procedure in case of a major failure of the initiative (4)
- Needs a clear indication of internal support and commitment (4)
- Provide for substantial student input (4)
- Focus on the educational benefits of the proposal (4)
- Develop strategies to address identified issues (4)
- Consider what is best overall, not just for any one group (4)
- Northland School Division's cultural and organizational characteristics would make this decision a time-consuming and lengthy process that would likely require several years to work through (3)
- A broken-front approach by most but not all of the Zone's jurisdictions would be more realistic than requiring unanimous agreement by them all for implementation: a 2/3 majority participation level would be sufficient (2)
- Make allowances and plans for unanticipated problems (2)
- Establish a process for participating jurisdictions to address issues and accommodations in a coordinated way (2)

- Phase 2 should get groups with common interests together (e.g. high school principals) for a think-tank type analysis of the proposal (2)
- The project steering committee should provide information and/or presentations to zone Boards of Trustees (2)
- Undertake a thorough discussion with each of the stakeholder groups (2)
- If the Board of Trustees decided to remain engaged for phase 2, public consultation would be by the jurisdiction through its established processes
- Avoid advocating for the proposal on the basis of its ability to improve student achievement results
- Provide information on what is being done elsewhere
- Provide quantifiable data on impacts of the proposal
- Provide information that the positives outweigh the negatives and tell people this is the way it is going to be
- Be well prepared and thoroughly informed
- Implementation will require a legislative mandate
- Support staff need to be considered and consulted because they have a potentially big impact on implementation.

Measurement of success of a pilot project (interview question 10):

- Improved stakeholder satisfaction (37)
- Improved student achievement results (36)
- Improved student attendance (11)
- Improved high school to post-secondary transition rate (9)
- Improved high school completion rate (7)
- Maintenance of existing student achievement results (4)
- Improvement in staff recruitment and retention rates (3)
- Evidence of more effective use of instructional time (2)
- Use existing Alberta Education Accountability Pillar measures
- Rate of complaints
- Positive feedback from all sectors
- Measures should be relevant to the small schools context of the zone
- A lot of effort would be needed to determine the effect of this change on student achievement results
- No meaningful way to measure this.

Support level for a two or three year pilot project (interview question 11):

- Strongly support (27)
- Support (19)
- Oppose (9)
- Strongly oppose (4)
- No response provided (5)

Comments about a pilot project:

- Need to try this idea out to see how it works (9)

- Too short a pilot project would create a problem of insufficient data on effectiveness (8)
- At least 3 to 5 years would be needed to judge the effects (5)
- Can not see this being done as a pilot project: the change would need to be a secure, long-term decision (4)
- Going back to the traditional calendar at the end of a pilot would be difficult (3)
- A pilot project approach gives opposers an opportunity to undo the initiative (2)
- Not an appropriate change for a pilot project (2)
- Proceed cautiously: the initiative needs support not just compliance from teachers and other stakeholders
- A pilot project would set up expectations without people really understanding the implications: playing with people's liver too much
- Acceptable provided there is public support for it
- Going well as is: there is no basis to change
- Depends on Board of Trustees' decision on continuing with the zone initiative
- Not prepared to screw up everyone's life for a pilot project to try and get some positive evidence for the change
- Manage timing to avoid the instability of an election year
- Need to see how this would work without the rest of the province also changing.

Support level for ongoing implementation (interview question 12):

- Strongly support (20)
- Support (26)
- Oppose (12)
- Strongly oppose (3)
- No response provided (3)

Comments about ongoing implementation:

- Better to thoroughly implement the change, deal with the problems and move on: don't go back and forth (11)
- Inappropriate for the Zone to do this out-of-step with the rest of the province without having a procedure to evaluate reaction to the change (5)
- To do this long term it would have to be implemented province-wide (2)
- Presenting it as a permanent change will not get the needed buy-in (2)
- Conditional that only if the change is for the best interest of students and is supported by all parties (s)
- Conditional on data demonstrating that the change is a benefit to students (2)
- Ongoing only if pilot phase indicated a significant improvement in student achievement results, otherwise why bother (2)
- Dependent on Board of Trustees' decision based on local considerations
- Conditional on funding being provided for the implementation costs
- Academic benefit has not been demonstrated.

Further comments (interview question 13):

- Consider implementation in stages (2 weeks/year for 2 years; 1 week/year for 4 years) to mitigate the short vacation period concern(13)
- It would be better to do this province-wide than just one Zone, to avoid the being out-of-step problem (9)
- It is unlikely that a structural change to schooling will improve student achievement results (9)
- Need to engage other jurisdictions beyond zone 1 to consider participation and build a larger coalition of support for the initiative (5)
- This is an appealing idea for a preferable arrangement but it would be a very complex and difficult change to implement to the point that it is unlikely to happen (5)
- A year-round calendar schedule would be a preferable alternative (5)
- This would be a really difficult psychological shift for people and a hard sell to get buy-in so why bother (4)
- If this does not improve student achievement results, don't do it (4)
- The extra month of break between finishing high school and starting post-secondary in September would be good to have (4)
- Lack of Alberta Education funding for the extra month's operations at implementation would be a 'deal-breaker' for the jurisdictions (3)
- It is good for the Zone's jurisdictions to be considering new alternatives (3)
- Timing is right to try this (2)
- Parent buy-in is absolutely critical: significantly more than a simple majority level of support is needed for this to succeed (2)
- Hope this proceeds because it would be good and positive for students (2)
- Changing the daily schedule at schools might create a more significant benefit than changing the start and end of the calendar (2)
- Why do it without a significant educational benefit to justify upsetting the community (2)
- The middle of August to the middle of June would get better parent buy-in
- The whole Zone implementing this in unison is not realistic
- The more one considers the details, the less feasible it appears
- It is doubtful this change would significantly change high school to post-secondary transitions
- If this is a good option why are we not already doing it
- Satisfaction measures for the change would be very subjective
- Important to protect the August long weekend for community activities
- The transition would need sufficient time: likely 5 or 6 years to make the change and see any results
- The change has more extracurricular than educational aspects
- People will need background information on why to make the change
- Adding instructional days to the year may accomplish more than changing the start and end dates
- Consider amortizing the implementation month added costs over a number of years

- Worth doing if it has a beneficial impact for students
- Chamber of Commerce would be able to assist with phase 2 consultation activities
- Implementation without a strong level of parent and public support will create a big hassle for schools
- Implementation would need active cooperation and support from Alberta Education
- This is an area of education that would benefit from change and with little risk of harm to students' education
- Securing First-Nations buy-in would be a lengthy process which might involve re-opening tuition agreements: something jurisdictions might not want to get into
- The opportunity for input is appreciated
- It would need a lot of selling: this is a major change that a lot of people would likely fight against
- Change is not always justified just because someone has a new idea to try
- Concern about the projected cost commitments for phase 2 activities, particularly if jurisdiction does not continue with engagement in the project
- Board of Trustees is taking a 'wait and see' attitude on proceeding with the next phase
- Impacts will be huge and difficult: as a parent I hope this happens after my children are done
- I hope this works, but . . .
- Am OK with the status quo but would not fight this change
- If Zone 1 proceeds with this, anticipate that a lot of the rest of the province will follow
- January Diploma exam results already tend to be better than June Diploma exam results, so what is the advantage of moving them to December
- Concern that many of the people involved in making this decision may not still be around at implementation time.

Legal Opinion

A partner at the firm McLennan Ross LLP, experts in labour and employment law, was engaged and briefed on behalf of the steering committee to prepare an opinion on the proposed change to the school year calendar. The opinion is attached as Appendix 2. It concludes that there is no legal impediment *per se* to the implementation of an alternate school calendar; however, there are several legal principles which would have to be applied to minimize the risk of this type of endeavour and to ensure a change to an alternate calendar unfolded smoothly from a legal perspective.

Review of Selected Literature

The literature reviewed was predominantly about year-round schooling and provided little insight on the type of calendar being considered by the zone. The literature

suggested the term ‘balanced school year’ as an appropriate designation for the type of calendar being proposed and that was used in the interview process to avoid confusion with other year-round and modified year calendar alternatives. There did not appear to be significant information relating to achievement results or post-secondary transition rates with respect to the balanced year calendar.

An unpublished Alberta Education discussion paper on moving to an August 1 – May 30 school year discussed the possible impacts on school staff, families and communities. It identified concerns and issues similar to those reported from the stakeholder interviews and suggested that what literature was available on this from the United States was not clear on effects. Since it is not readily available as a reference document, it is attached as Appendix 3.

A Saskatchewan School Trustees’ Association Research Centre Report on Alternate School Year Organizations (1999) reported on initiation of a calendar similar to the one being considered here by E.D. Feehan High School in the Saskatoon Roman Catholic school jurisdiction which subsequently was extended to the whole District for a few years. Further information on this initiative is reported in a following section.

The Alberta Education Alternatives to the Current School Year Calendar: A Review (2005) report identified arrangements at Calgary Board of Education and Chinooks Edge School Division, which though being of a year-round nature provide some relevant insights. These are also discussed in a following section. This information is also discussed in the legal opinion from that perspective.

The British Columbia Ministry of Education Handbook of Procedures for the Graduation Program (2008) was examined with respect to the use of electronic examinations. While the Ministry is making significant use of ICT for the delivery of examinations in place of traditional courier arrangements for the documents, the examinations remain on a fixed schedule very similar to the way provincial examinations are administered in Alberta.

While the review focused on relevant Canadian information, it should be noted that there is considerable discussion ongoing in the United States regarding changing school times with respect to student achievement issues. From this context a cautionary note arises: Cuban (2008) made the observation that “...it is the stability of schooling structures and the importance of socializing the youth into the values of the immediate community and larger society that have defeated policy-driven efforts to alter time in school over the past quarter century.” (p 249)

Provincial Examination Program

Each year approximately 9,600 students in the Zone write provincial examinations; 2,400 at each of the grade 3, 6, 9 and 12 levels.

Alberta's Provincial Achievement Test and Diploma Examinations programs operate under the authority of the Student Evaluation Regulation which is issued pursuant to the School Act. The constraints established by examination administration schedules present a major challenge with respect to this alternate calendar initiative. A Ministerial Directive under the regulation could provide and might be necessary for the adjustments that would be needed to accommodate the zone, but in any form it appears this would be complex.

A meeting was held with the Executive Director of the Learner Assessment Branch of Alberta Education to discuss issues relating to the Zone proposal. It was noted that branch operations involve significant lead times, and that a minimum of 18 months is needed to develop additional examinations.

A cost estimate of about \$13 million previously provided to the zone was explained as reflecting the cost of establishing a second track of examinations for the province on the assumption that if zone 1 proceeded, other but not all jurisdictions in the province would follow and that this would become an ongoing operating situation. It was indicated that this estimate was prepared in 2006 and a current estimate would require an adjustment for inflation (at 2% per year, this would become about \$14.1 million by 2010). This cost could best be avoided by a province wide calendar change.

It was indicated that this cost could be substantially avoided if the initiative was tightly limited to a Zone 1 only pilot project for two years, followed by a return to the regular examination cycle for a comprehensive evaluation of the issue and until a top level decision was made on how the province as a whole would proceed. Problems related to the pilot approach include that Zone 1 has a relatively small proportion of the provincial students which would give rise to statistical issues, maintaining examination security requirements and securing teacher markers without contravening protocols about currency and not marking own students' work. It was also noted that due to the lead times involved the branch would need to know at the outset how to proceed if the pilot project was determined as successful.

An Alberta Education Perspective

A meeting was held with an Assistant Deputy Minister of Alberta Education to discuss the more general issues relating to the proposal. The main points of this discussion were:

- The initiative is seriously restricted by putting the Zone out-of-step with the rest of the province
- The inherent nature of parent and staff resistance to change is a substantial factor and may outweigh any perceived learner outcome benefits
- Securing funding for implementation costs will be an increasingly difficult challenge in the province's new fiscal reality of a recessionary economy: additional funding will be hard to come by
- Development and availability of a flexible alternative to the current provincial examination system (such as on-line examinations available on an on-demand basis) will be at least several years in the future

- The Zone might consider seeking another Zone or Zones as partners to create a critical mass as a way to advance its initiative, in that Zone 1 by itself is a small demographic component of the provincial system
- Proceeding with a Zone 1 pilot project would need specific endorsement and support by the Minister of Education which would be predicated on a clear, positive indication of support by all the school boards and on a strong indication of broad parent support that was evident to the MLA's representing the zone.

Post-Secondary Transition

Meetings were held with two post-secondary system representatives. Both of these individuals also had previous experience in the K – 12 system, one with an extensive background as a high school guidance counselor. These conversations indicated that the benefit of the alternate year for high school to post-secondary transition would not likely be as substantial as many of the stakeholder interview respondents perceived it to be. It was suggested that completing the first semester in December would benefit those students taking an extra semester to complete their grade 12 program who then wanted to proceed in a trades or technology program in that they would be available for an immediate January intake rather than being out of the education system until the following September and subject to attrition during this delay. It was not considered possible to reliably estimate the number of students across Zone 1 who would take advantage of this arrangement. In that university and most college admissions are program cohort based starting each year at the beginning of September, it was felt the changed calendar would have limited effect for students proceeding to university or college, other than a small number who might seek to enroll in the second academic term of winter session on a course by course, special student basis.

Federally Supported First Nations Schools

Since there is a number of this category of schools operating within Zone 1 a meeting was held with the Director of Education for Treaty Eight, which provides the administrative support for these entities. The main points of this discussion included:

- Possible benefit to student attendance at the end of the school year (May rather than June) in traditional communities where early summer activities on the land are still significant
- Changing communities culture around the well-established July and August holiday break will be very difficult
- Decisions to implement the alternate calendar would be on a community by community bases, not as in a typical school jurisdiction with a central decision making entity; imposing change does not work with first-nations communities
- People would need to perceive real and significant benefits to buy-in to the change: a good reason to do it
- A lot of time would be needed to comprehend and adjust to the idea: habit is a very strong force

- Rejection would come from an accumulation of little things that become troublesome for people as a result of the change.

A discussion was also held with a representative of the Western Cree Tribal Council. This communication emphasized the importance of ensuring comprehensive consultation with all the First Nations communities throughout Zone 1 during phase two of the project, if it proceeds.

Alberta Teachers' Retirement Fund

A meeting was held with the Chief Executive Officer of the Alberta Teachers' Retirement Fund to review potential impact of the alternative calendar on pensionable service and contributions. The following information was provided:

- “Under the Federal Income Tax Act (ITA), a member of a pension plan cannot accrue more than one year of pensionable service in any one calendar year. Under ATRF’s legislation, a Plan Member cannot accrue more than one year of pensionable service in ATRF’s fiscal year ending August 31. Excess service cannot be rolled forward or re-allocated to another year.
- ATRF calculates pensionable service based on the pensionable salary paid divided by the full time monthly rate. Service is then credited to Plan Members on a monthly basis – i.e. $1/12^{\text{th}} = 0.0833$ years of service.
- Plan Members who work full time under a September 1 to June 30 school year will receive 4/12ths of their salary from September to December the another 8/12ths of their salary from January to August for a total of 12 full months salary.
- Plan Members who work full time under an August 1 to May 31 school year would receive 5/12ths of their salary from August to December then another 7/12ths of their salary from January to July 31 for a total of 12 full months salary.
- If a Plan Member switches from a September 1 to June 30 school year to an August 1 to May 31 school year, he/she will have received 8 months of salary from January to August of the previous school year and another 5 months of salary from August to December of the current school year for a total of 13 months of salary in one calendar year and in one fiscal year. This would equate to 1.0833 years of service which is not permitted under the ITA or ATRF’s legislation.
- ATRF cannot keep contributions for service where there is no benefit entitlement and therefore would refund the Plan Member directly for service that is over a year. In the above scenario where there would be two service records for August, the August record with the lower rate of salary would be refunded.
- Only those Plan Members who accrued less than a full 8 months of service from January to August of the previous school year would not be fully affected by switching to an August 1 to July 31 school year.
- If a Plan Member switches back from an August 1 to May 31 school year to a September 1 to June 30 school year, he/she will have received 7 months of salary from January to July of the previous school year and another 4 months of salary from September to December of the current school year for a total of 11 months

of salary in one calendar year and one fiscal year. This would equate to 0.9167 years of service. The Plan Member would not be able to “make up” for the shortfall of not having a full year in a fiscal year.

- ATRF’s client software (ATRFCS) is used by payroll staff in all school jurisdictions to report service and salary information to ATRF on a monthly basis. Our software is capable of accepting an alternate school year for reporting and would not require any program changes. Minimal training may be required for payroll staff.”

Discussion indicated that even if provincial legislation was revised to accommodate the alternate year proposal it is not realistic to anticipate changing the Federal Income Tax Act in this regard. If anything did proceed provincially, ATRF would need to be involved with the government on working out the procedural changes. Discussion also indicated that the pensionable service issue might be avoided by treating service in August as an advance with teachers remaining on the September 1 to June 30 payroll year, but that there could be collective agreement issues with this approach.

Interface with Neighbouring Jurisdictions

Zone 1 school systems interface for student transportation services with Northern Gateway Regional Division in Valleyview (Holy Family Catholic Regional Division) and with Living Waters Catholic Regional Division in Slave Lake (High Prairie School Division). Other than the two Zone 1 communities, both these jurisdictions operate in Zone 2/3. Meetings were held with the Superintendents of these jurisdictions to discuss implications of the alternate calendar.

With respect to Northern Gateway RD, it was indicated that for internal reasons such as collective agreement considerations, the jurisdiction would have great difficulty accommodating two different calendars within its system. Also, its southern reach is close to the Edmonton metropolitan area and all the interconnections there would make it difficult to change the jurisdiction as a whole to the Zone 1 alternative.

For Living Waters CRD this was indicated to be less of an issue in that the jurisdiction operates schools in three different public jurisdictions which all have different versions of the school year calendar, so its internal arrangements are already set up to accommodate this situation. Moving to the start of August in Slave Lake was considered to be manageable provided the other issues surrounding the change (such as provincial examination schedules and transition costs) were addressed. It was also noted that some of the students there are transient with parents participating in programs at Northern Lakes College, which might affect attendance in August at that school.

Alternative Calendars at Other School Jurisdictions

Greater Saskatoon Catholic Schools (now St. Paul’s RCSSD 20)

Arising from information in the literature about that jurisdiction's implementation of a calendar similar to the one being considered by Zone 1, a former Director of Education for the jurisdiction was contacted for information about the arrangement and its conclusion. He provided the following narrative:

By 1999 all schools in the Division had been following an alternative school year for three or four years. The year began in mid-August and semester 1 concluded prior to the Christmas recess. Semester 2 began at the start of January and ended by mid-June. All of the grade 12 teachers were accredited and therefore did not have to administer the provincial examinations that were in practice during that time. By this time significant pressure was being received from the extended community and also from some staff, especially at the elementary level, to review this organization for learning. Because the jurisdiction was the only one in Saskatchewan following an alternative school year, it was out-of-step with the prevailing culture. Minor sports, summer camps, family celebrations, vacation time, the service and tourism student employment sector, the high school athletics calendar, etc. were all scheduled according to the long-standing practice that schools were out for July and August. The majority of high school students did prefer the alternative school year; students commonly reported that they were better able to relax and enjoy the Christmas celebrations. However student achievement data, based on the professional judgment of teachers, overall declined slightly during the pilot years (at that time there were no accountability measures imposed by Saskatchewan Learning so there was no data from external testing). After study and reflection it was agreed to poll the community about the alternative school year and the majority of responses preferred the traditional school year. There was minimal objection thereafter when the Board of the day decided to return to a September to June calendar.

For comparison with Zone 1, this jurisdiction currently serves about 15,000 students which is about 9% of total Saskatchewan enrollment.

Calgary Board of Education

This jurisdiction provides a modified calendar on which approximately 20 of its schools operate. The modified calendar starts in mid-August with the first and second semesters finishing on the same schedule as the traditional year. The additional time in August is exchanged for a week long break after Thanksgiving in the fall and an additional week added to the spring break at the beginning of April. Contact with a senior financial administrator for the system indicated that these schools remain on the regular operating cycle for payroll and budgeting, with August activities as an advance of service for the corresponding additional vacation time during the operating year. This results in the service provided in August being paid at the new school year grid rate that becomes effective in September. There are no modifications to reporting cycles for these sites.

Chinooks Edge School Division

This jurisdiction has been operating a year-round education arrangement at a few sites since 1994. The Superintendent of Schools was contacted for information and he provided the following description:

The YRE calendar normally begins after the long weekend at the start of August, but has on occasion started in late July with three week breaks in the fall, at Christmas, and in the spring, so that the number of student attendance days is the same as at traditional calendar schools. This calendar presently operates at three conventional sites, one of which has a dual track (YRE and traditional) schedule, a special needs school and two institutional school programs; it involves about 230 students. Teacher compensation is handled by a collective agreement clause pertaining to the year round calendar. The only issue for compensation is when a teacher switches tracks and teaches for 13 months in one school year, as they can not earn more than 12 months pensionable service with ATRF.

Costs and other information

In that the additional month's operating costs for the implementation year is a significant item in the stakeholder input, consideration was given to developing a cost estimate for the implementation month. 2007/08 Results Report data were reviewed for a sample consisting of three of the jurisdictions in the Zone in order to derive a per pupil per month cost for instruction and transportation, which are essentially the two functions that would incur the extra month's operation. These combined rates ranged from approximately \$780 to \$920 per pupil per month, with \$850 the median. At the \$850 / pupil rate applied to the Zone enrollment of about 32,600 students, the aggregate one-time cost for the implementation month is \$27.7 million. This estimate does not include the ongoing costs associated with the provincial examination program previously identified in that section of the report.

None of the interview respondents indicated their jurisdictions had the capacity to self-fund the transition costs. It was acknowledged that while the additional funding would need to come from Alberta Education, there was no commitment in this regard for supporting any implementation measures.

Discussion at the CASS / ASBOA Joint Zone Meeting in December 2008 suggested that some Quebec English language school boards may be using calendars similar to the zone 1 proposal, however an examination of several of these jurisdiction's calendars on their websites indicated that at this time they are following school years that are very similar to the traditional year here in Alberta.

Discussion

The findings suggest that there are some significant issues and questions that the steering committee and the Boards of Trustees will need to consider with respect to the feasibility of going ahead to phase two.

The stakeholder interviews indicated a high level of support for the idea (approximately 70% of the respondents supported or strongly supported both the pilot project and ongoing versions), but respondents' comments reflect many reservations about implementation. While the idea may be attractive, it may not be doable.

People's tendency to resist change should not be underestimated, but it is probably underemphasized in the interview data. Many respondents simply made the point and moved on in the conversation without spending much time elaborating, but in many cases the implicit message was that this was a big factor. The term 'getting buy-in' was frequently used.

Being out-of-step with the rest of the province and beyond gives rise to a wide range of both transitional and on-going issues, both educational and social. Many people would need to have a compelling reason for accommodating the adjustments this circumstance would require. In some respects the proposal creates narrow benefits in comparison to broad problems.

Alberta Education support at the Ministerial level is essential both with respect to implementation/transition funding and the provincial examination program schedules. Securing this support will require a high level of Board of Trustees commitment and public endorsement, but both of these may be difficult to establish while there is uncertainty about the funding question.

While the Zone's Boards of Trustees were united on proceeding with a study, response data indicates that unison is not present for proceeding with implementation or phase two consultation activities. There is also some support for proceeding on a broken front as long as jurisdictions with integrated or shared services stay together, but this would reduce the 'critical-mass' of the initiative and may diminish the likelihood of provincial level support.

While the study was framed around a pilot project approach to the change, there was a clear division among some respondents about the appropriateness of initiating a change of this magnitude for what might be a short and highly uncertain period of time versus implementation planned with the intention of the change being ongoing. This issue would need conclusive resolution early in the planning stage of phase two.

If phase two proceeds, a key consideration will be how much to market or 'sell' the proposed change to parents and the public, as opposed to an approach of presenting information in as neutral a way as possible and seeking feedback – gathering opinion or influence it.

More specific considerations include that Holy Family CRD would likely need to make a determination about its school in Valleyview remaining on the traditional calendar because of its transportation interface with Zone 2/3 operations, and the matter of teachers' pensionable service when transitioning in and out of an alternate calendar.

Conclusions

There does not appear to be any clear or substantial data in the literature or from external sources that provide a compelling rationale for making the change. The findings failed to support or were inconclusive on several of the main propositions regarding improving student achievement outcomes and post-secondary transition rates.

Stakeholders' support is based on people's perceptions and beliefs that the balanced calendar would create beneficial outcomes for students. Phase two would be about securing support for anticipated outcomes, not demonstrated ones.

Without additional provincial funding to address implementation costs, which has not been committed, in practical terms there does not appear to be a viable implementation strategy for the initiative at this time.

A longer term perspective for Zone 1 could include advocacy for more flexibility in the provincial examination system and coalition-building with other jurisdictions beyond the Zone to help address the obstacles and better enable a calendar change in the future when fiscal circumstances may be more opportune.

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Prepared by: I. Cheikhi, Reference Librarian
Alberta Government Library - Capital Boulevard Site

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Appendix 1
Zone 1 Alternate School Year Phase 1 Study
INTERVIEW GUIDE
January 2009

Introductory note: response information will be summarized into a report and will be presented without attribution to individuals.

With respect to implementing a BALANCED SCHOOL YEAR (Aug. – Dec. / Jan. – May) Calendar for Zone 1 (Northwestern Alberta) schools:

1. What needs or challenges, if any, do you think this calendar would address?
2. What do you think would be the benefits, if any, associated with this arrangement?
3. What do you think would be the problems, if any, associated with this arrangement?
4. What do you think would be the challenges of implementing this calendar?
5. Do you have any specific comments regarding implementation with respect to any of the following areas?
 - Curriculum
 - Examinations
 - Student Transportation
 - Human Resources
 - Budgets
6. Do you have any specific comments or issues about being in this arrangement on an on-going basis (after the transition or implementation), with respect to any of the foregoing [item 5] areas or others?
7. What do you think would be the social concerns, if any, of implementing this calendar (e.g. child-care needs, family life-style needs, student activities)?
8. Would this change have any financial implications for you? If so, what would they be?
9. If this initiative proceeds as a pilot project, what decision making process should be followed?
10. If this initiative proceeds as a pilot project, how should its success be measured?
11. In summary, how would you feel about implementing a balanced year calendar for a two or three year pilot project?
__strongly support; __support; __oppose; __strongly oppose.
Comments:

12. Alternatively, in summary how would you feel about implementing a balanced year calendar on a permanent, ongoing basis?

strongly support; support; oppose; strongly oppose.

Comments:

13. Do you have any further comments?

Appendix 2 Legal Opinion

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May 22, 2009 PLEASE REPLY TO EDMONTON OFFICE

VIA FACSIMILE

Peace River School Division No. 10

PO Box 6960

10018 101 St

Peace River AB T8S 2A5

Attention: Peter Neale, Secretary Treasurer

Zone 1 Alternate School Year Steering Committee

Dear Sir:

Re: Legal Opinion: Legal Implications of an Alternate School Calendar

You have asked McLennan Ross LLP for an opinion regarding the legal implications of the school districts / divisions in Zone 1 implementing an alternate school calendar year (“Alternate School Calendar”) which would begin early in August and finish at the end of May with a break between terms at the Christmas holiday period, implemented uniformly by all school jurisdictions in Zone 1.

To the extent all provisions in the *School Act*, R.S.A. 2000, c. S-3 (“*Act*”) are respected, there are no legal impediments *per se* to the implementation of an Alternate School

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Calendar. However, there are several legal principles / issues which *would have to be addressed* to minimize the risk in relation to the implementation of the same and to ensure changes to the existing school calendars unfold smoothly from a legal and operational perspective. In this regard, this opinion is structured in the following categories:

- (i) General legal considerations
- (ii) Specific legal considerations
- (iii) Implementation Process

We have not attempted to respond to every possible legal scenario that may arise in the context. Rather, we have taken a practical approach to the question and have provided a general legal overview.¹

I. GENERAL CONSIDERATIONS

School Day and School Year

When it comes to implementing the school calendar year, Alberta school boards have a considerable amount of discretion. Section 56 of the *Act* gives Alberta school boards legislated authority to stipulate, within specified limitations, the school calendar, including the number and days of school operation:

School Day and School Year

56(1) A board shall specify the following:

- (a) the school opening date;
 - (b) the number and days of school operation;
 - (c) the length of the school day;
 - (d) the number and length of recesses;
 - (e) subject to section 39, the number of hours of instruction.
- (2)** A board shall specify the vacation periods in a school year, which shall, as a minimum, include a vacation period that extends as least from December 24 to January 2.
- (3)** A board in its discretion may declare one day a month to be a school holiday.
- (4)** A holiday declared by a municipality does not apply to a school within the municipality unless the board declares it to be applicable.
- (5)** A board shall, before May 31 in each year, give notice to the Minister of:
- (a) the opening and closing dates of all schools under its jurisdiction for the 12-month period next following,
 - (b) the dates of the vacation periods in the school year, and
 - (c) the number of hours of instruction to be made available to students in the school year

¹ For the purpose of this opinion, we did not examine the *Teaching Profession Act*, R.S.A. 2000, c. T-2. Nor did we examine whether a school jurisdiction may have more than one (or a different) “school year” in any given year.

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- (i) by grade, and
- (ii) by school.

(6) A board may declare the 2nd Friday of June in any year to be a Farmer’s Day holiday.

The *Act* provides for significant variance of school calendars with each school jurisdiction free to specify its own calendar particularly in relation to:

- (a) the school opening date;
- (b) the number and days of school operation;
- (c) the length of the school day;
- (d) the number and length of recesses;
- (e) subject to section 39, the number of hours of instruction.

With regard to the issue of instructional hours, section 56(1)(e) of the *School Act* specifically refers to section 39 of the *School Act*, which reads:

Courses, programs, etc.

39(1) The Minister may do the following:

- (a) prescribe courses of study or education programs, including the amount of instruction time;
- (b) authorize courses of study, education programs or instructional materials for use in schools;

- (c) prescribe the minimum total hours of instruction a board shall make available to a student in a school year;
 - (d) approve any course, education program or instructional material that may be submitted to the Minister by a board or another operator of a school for use in a school;
 - (e) subject to the right of a board to provide religious instruction, by order prohibit the use of a course, an education program or instructional material in schools;
 - (f) by order adopt or approve goals and standards applicable to the provision of education in Alberta.
- (2) The *Regulations Act* does not apply to an order made under subsection (1).
- (3) The Minister may make regulations
- (a) governing the evaluation and inspection of teachers;
 - (b) respecting the granting of certificates and diplomas;
 - (c) respecting the examination and evaluation of individuals by the Minister, including appeals, fees and the payment of remuneration;
 - (d) for the establishment, operation, administration and management of schools, institutes or facilities for the education and training of persons with special educational needs and prescribing fees or a schedule of fees to be charged for any matter connected with the school, institute or facility;
 - (e) providing for correspondence courses and the fees to be charged in connection with them;

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(f) governing registration in, the fees to be charged for registration in and the operation of private correspondence courses and private tutoring institutions that offer correspondence courses or tutoring in the same or substantially the same subjects as those offered in schools.

(4) A regulation made under subsection (3)(d), (e) or (f) may be specific or general in its application.

In accordance with section 39(1)(c) of the *Act*, schools are required to ensure that Grade 1 to Grade 9 students have access to a minimum of 950 hours of instruction per year in each grade. With regard to Grade 10 to Grade 12 students, school jurisdictions must ensure that students have access to a minimum of 1000 hours of instruction per school year.

It is the school jurisdiction that develop methods of school organization and instructional delivery that best meet student needs and interests. According to the *Funding Manual for School Authorities*, instructional services must be timetabled for both students and teachers and must ensure that high school students have access to at least 25 hours of instruction per high school credit.²

Alberta Education describes the school year as follows:
<http://education.alberta.ca/parents/educationsys/ourstudents/vi.aspx>

The School Year

The school year usually extends from September to June 30 with minor variations from system to system. Some schools are now providing year-round schooling and other alternative timetables, and others start their school year in August rather than September.

Most schools close down for two months of vacation in July and August, as well as two weeks of Christmas/winter vacation and an Easter/spring break.

The number of instructional days may vary from 190 to 200 days. In junior high schools, the majority of courses are offered for the full school year. In senior high schools, courses may be offered for the full school year or on a semester basis (for half the year).

Instructional Hours Per Year

Kindergarten

Elementary & Junior High

Senior High

475 hours
950 hours
1,000 hours

Thus, in granting to school jurisdictions the authority to specify the school year, the Legislature has established certain requirements that must be complied with by school jurisdictions.

Instructional days

Section 97(2) of the *Act* provides that (unless a teacher agrees) a school jurisdiction may not require a teacher to instruct students for more than 1,100 hours in a school year, or for more than 200 teaching days in a school year:

² Also: see the *Funding Manual for School Authorities* for the exceptions.

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Contracts of employment

97(1) In this Division, “teaching day” means

- (a) a day on which instruction is given by a teacher,
- (b) a day on which a school is closed due to an emergency,
- (c) a day on which a school is closed by order of the Minister,
- (d) 2 days on which a teachers’ convention authorized by the Alberta Teachers’ Association is held,
- (e) holidays declared by a board, and
- (f) any other days that are approved by the Minister.

(2) Unless the teacher agrees, a board may not require a teacher to instruct students

- (a) for more than 1100 hours in a school year, or
- (b) for more than 200 teaching days in a school year.

(3) Subject to subsection (2) and notwithstanding any other agreement to the contrary, the terms and conditions of a contract of employment between a board and a teacher shall comprise the following:

- (a) except in the case of a teacher excluded under section 96(2), the terms and conditions negotiated, agreed on or awarded under the *Education Services Settlement Act* or the *Labour Relations Code*, as the case may be;
- (b) this section and sections 96 to 99 and 101 to 110;
- (c) the terms and conditions agreed to between the board and the teacher.

(3.1) A contract of employment between a board and a teacher to whom the *Education Services Settlement Act* applies shall not contain any matter described in section 23(1) of the *Education Services Settlement Act*.

(4) Any contract of employment excluding or purporting to exclude the provisions of subsection (3)(a) and (b) or subsection (3.1) is void.

As noted above, the number of instructional days may vary from 190 to 200 days. To the extent an Alternate School Calendar does not increase or decrease the number of instructional days, but rather redistributes them, there is little risk of school boards violating s.97(2) of the *School Act*.

However, as a precautionary measure, school jurisdictions should consider carefully tracking teacher time given the potential for exceeding maximum days. That being said, as long as school jurisdictions organize the Alternate School Calendar within the statutory parameters set out in the *Act*, they would be free to establish an Alternate School Calendar (assuming all other legal principles / issues are properly applied).

As background information, Recommendation 17 of Alberta’s Commission on Learning encourages school jurisdictions to explore alternative ways to arrange the school year:

17. Encourage schools and school jurisdictions to explore alternatives to the current school year.

The majority of Alberta’s schools operate on a September to June school year. This is a longstanding tradition in Alberta and most of Canada and it dates back to an earlier time when our economy was primarily based on agriculture. The Commission believes there is considerable merit in exploring alternative ways of

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arranging the school year. In Australia, for example, the school year is broken into four terms with a five to six week holiday in the hottest months. The experience there suggests that this arrangement of the school year helps students, especially at-risk students, retain more of their learning over shorter school breaks and also reduces teacher burn-out.

In Alberta, a number of schools are experimenting with alternative ways of arranging the school year. In 2002-03, more than 60 Alberta schools were operating on a year-round basis. These options should be explored further, particularly to assess their impact on teaching strategies and students' achievement. Adjusting the school year would also allow school jurisdictions to make better use of existing facilities, particularly in rapidly growing communities where there is limited school space available.

II. SPECIFIC LEGAL CONSIDERATIONS

While the *Act per se* does not preclude the implementation of an Alternate School Calendar, the analysis does not end with a review of the *Act*. School jurisdictions in Zone 1 would have to also review the following areas:

1. Labour / Employment Law

Collective Agreements

Separate and apart from the legislative requirements referred to above, a school jurisdiction in Zone 1 seeking to introduce an Alternate School Calendar must consider what impact, if any, change poses to any collective agreements in force between the school jurisdiction and its employees and whether the collective agreement sets any terms and conditions which preclude or limit the implementation of same or which would guide the implementation of same. Potential consideration must be had in particular to those provisions dealing with: work schedule parameters, teacher work expectations, preparation time, class-size clauses, supervisory and preparation days.

Simply put, there should be no conflict between the Alternate School Calendar and the requirements of the parties' collective agreements.

A school jurisdiction in this instance may be subject to three collective agreements in regards to:

- (a) teachers;
- (b) support staff; and
- (c) bus drivers.

Professional Staff

For the purpose of providing an example of the legal analysis that would have to be undertaken, we provide an overview of the collective agreements to which Peace River

³ Note: These items are not placed in any order of importance. Each item will have to be reviewed and given appropriate attention.

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School Division No. 10 ("Peace River SD") is a party⁴. If Zone 1 decides to proceed with the implementation of an Alternate School Calendar, each school jurisdiction should have their collective agreements reviewed by legal counsel prior to the implementation of the same.

With respect to Peace River SD teachers, there does not appear, at first blush, to be any provisions which would conflict with moving to a modified calendar. An important general concern would be the payment of wages given that some school jurisdictions pay their teachers over a 10-month period. As Peace River SD pays its teachers over a 12-month period pursuant to Article 9.1, there should be no impact to a teacher's remuneration in the event the Alternate School Calendar is adopted.⁵

Furthermore, teachers are not paid on an hourly basis. Rather, they are paid in accordance with a salary grid set out in the collective agreement at Article 4, which is based on teachers'

education and experience. As a result, Peace River SD teachers' rate of pay should not be affected by any change by an Alternate School Calendar.

Support Staff

With respect to support staff, there also does not appear to be many provisions which would conflict with moving to a modified schedule. Article 9.4 (Leaves of Absence) and Articles 10.1 and 10.2 (Paid Vacation & Vacation Pay) specifically provide for both 10-month and 12-month employees. Presumably, any 10-month employee who might become a 12-month employee (if this is necessary) as a result of the change in schedule would suffer no consequence as a result of the change with respect to those provisions.

With respect to bus drivers, Article 12(a) dealing with the payment of wages and allowances would likely require modification as it appears drivers are currently paid over 10 pay periods. This would require change in the event year-round schooling/education were adopted. Article 15 (General Holidays) may also require revision if the school is operating during holidays not included in that list. Article 20 (RRSP) may also require modification since contributions are made on a monthly basis per school year.

General

It should be remembered that moving from a traditional calendar to an Alternate School Calendar may present new challenges and concerns, thereby prompting the school jurisdiction and unions involved to reconsider certain portions of the collective agreements depending upon those new challenges. As well, new issues may arise under an Alternate School Calendar that were not previously present under the traditional calendar and which are not currently contemplated for in the present collective agreements. Both school

4 In the event Zone 1 were to implement the Alternate School Calendar a detailed review of all collective agreements for each school jurisdiction would have to be done.

5Note: We have operated on the premise that s. 111 of the *Act* (which deals with teacher salaries) has been complied with.

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jurisdictions and unions may wish to address these new issues through changes to the collective agreements.

Depending upon when a move to an Alternate School Calendar would take place, the school jurisdiction and the relevant unions would also have to address when and how to change the collective agreements, if required or desired. One option would be to re-open the agreements and amend as needed. Another possibility would be to proceed with a Letter of Understanding outlining temporary changes which would expire at the end of the current collective agreement(s). Alternatively, a school jurisdiction could wait until the collective agreements have all expired before implementing an Alternate School Calendar. In the case of Peace River SD, given that all three Collective Agreements expire in different years, the parties may wish to strategize the most appropriate way to address this.

Case Law

There is very little case law dealing with year-round education. However, we find some guidance in a recent grievance arbitration involving the Chinook's Edge School Division No.73 and the Alberta Teachers' Association which dealt with the adoption of a "compressed" schedule where instructional minutes were scheduled over 9 days in a twoweek period as opposed to 10 days, so that students were not taught or required to attend school on alternate Fridays. Although the amount of annual instruction time did not materially change, the instruction which was previously done in 190 days, was now completed within 180 days.

After reviewing the relevant sections of the *Act*, the Board of Arbitration dismissed the grievance because there is no violation of the *Act* or the Collective Agreement which required teachers to not "render service for more than 200 days or the equivalent in a school year." Though lengthy, we provide you with some of the rationale in the arbitral decision:

At the outset, it is clear that the compressed school calendars do not breach the *School Act*. There are 2 relevant limitations in the *School Act*. First, the *School Act* provides for a maximum of 1,100 instructional hours in a school year; there is no evidence or suggestion that any of the schools in the School Division exceeds this number. Secondly, there is the limitation of 200 **teaching** days in a school year. Given the *School Act*'s definition of "teaching days", it is clear that the organizational days and professional development days (except for teachers' convention days) are not "teaching days". Accordingly, even if the ATA is correct that the 180 compressed instructional days should be counted as the equivalent of 190 teaching days, the maximum number of teaching days is less than 200. As a result, these grievances do not raise any issue about any breach of the *School Act*.

The issue, then, is whether the compressed school calendar breaches the prohibition contained in Article 15.1 of the collective agreement against requiring a teacher "...to render service for more than 2000 days or the equivalent in a school year". There

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are several considerations to be taken into account in addressing this issue.

First, it is important to note that this collective agreement does not specifically purport to measure or limit the amount of instructional time which a teacher may be required to provide on any given teaching day. If there were such a limit, and a teacher were required to teach more than that amount on a given day as a result of going to the compressed schedule, then there might be some merit in treating that as equivalent to more than one instructional day.

Secondly, it is important to note that Article 15.1 speaks of "rendering service" on a maximum of 200 days. It is obvious that days upon which teaching occurs (including the two teachers' convention days deemed to be "teaching days" by virtue of section 97(2)(d) of the *School Act*) are to be included. It is common ground that a teacher's duties (or "services") include more than "instruction" – such as student supervision, parent/teacher interviews, organizational time, and professional development. To the extent that those non-instructional duties are performed on days which are not a "teaching day" as defined in the *School Act*, those days are also to be included in the limit of 200 days or equivalent.

(...)

As a result, I cannot accept the ATA's fundamental argument that "180 instructional days must be treated as "190 instructional days and therefore as the equivalent of 190 days upon which they are required to render service.

As background information no similar provision is found within the Collective Agreement involving the Peace River SD and its teachers.

Constructive Dismissal

When planning and implementing workplace change such as an Alternative School Calendar it is important to be aware of the scope for an employee to claim constructive dismissal.

It is generally accepted that the doctrine of constructive dismissal has little or no application to employment covered by a collective agreement. It is recognized that employees governed by a collective agreement have avenues in which to pursue concerns with employers that are

not open to non-unionized employees who sometimes resort to this doctrine.

For the purpose of clarity and given that from time to time school jurisdictions are faced with constructive dismissal claims (even in respect to unionized employees) and given that school jurisdictions employ non-unionized employees, a brief discussion of the doctrine of constructive dismissal is warranted.

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The doctrine of constructive dismissal recognizes that, in a situation where proposed significant changes are unacceptable, the affected employee may have a right to treat the employment as terminated and to claim damages. In the leading 1997 case, the Supreme Court of Canada defined constructive dismissal as follows:

To reach the conclusion that an employee has been constructively dismissed, the Court must...determine whether the unilateral change imposed by the employer substantially alters the essential terms of the employers contract of employment.

Accordingly, the elements that must be proven to make a claim for constructive dismissal are:

- (a) A *unilateral* change;
- (b) That *substantially alters*;
- (c) An *essential term* of the employment contract.

Most constructive dismissal cases depend on an evaluation of their specific facts. What job was the employee hired to do for the school jurisdiction, and how, if at all, has the position evolved? What are the changes that the school jurisdiction is seeking to implement, and how do they affect the employees essential responsibilities and accountabilities? How are these changes likely to be viewed by the employee and his or her co-workers?

The most common unilateral changes and working conditions that can give rise to a claim for constructive dismissal fall into the following categories:

- (a) Changes in remuneration;
- (b) Geographical relocations;
- (c) Changes in responsibilities; and
- (d) Changes in working conditions.

A change to an employee's hours of work can be considered a constructive dismissal. In *Laakso v. Valspar Inc.* a laboratory technician had told the employer when he was originally hired that he would not consent to working shifts for health reasons. The employee successfully sued for constructive dismissal when he quit in response to the employer's subsequent decision to make shift work compulsory.

School jurisdictions should consider giving appropriate notice of the proposed changes to minimize claims for constructive dismissal. Constructive dismissal claims are less likely to succeed where substantial changes in an employee's position result from a legitimate business purpose, which is unrelated to the employee's particular circumstances. In such cases, while individual employees' accountabilities may, of necessity, change, compensation, and level of responsibility within the new structure, may not be adversely affected. In such cases, employees who are unwilling to accept the organizational change may resign, but may be unsuccessful in claiming constructive dismissal.

Finally, many judicial decisions openly acknowledge that the determination of constructive dismissal is strongly influenced by the court's perception of the reasonableness of the

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employer's actions⁶. Open communication and consultation with affected teachers and staff, and sensitive management of the changes in functions (if applicable) should assist in avoiding a claim of constructive dismissal, and can support an argument that the employee should mitigate his or her damages by accepting the change.

Pension

We would recommend each school jurisdiction assess whether the Alternate School Calendar has any impact in relation to teachers' retirement fund (ATRF) or any other pension fund. This would require a review of the relevant legislation, as well as consultation with the ATRF. This was not undertaken for the purpose of this opinion given it is premature to do so at this time. However, if Zone 1 decides to proceed further, this will be an important issue which would need to be addressed.

Employment/Labour Practices

It would be incumbent on each school jurisdiction to review their policies to ascertain if the implementation of an Alternate School Calendar would violate any policy terms or whether Board of Trustees would have to implement additional policies changes in relation to the Alternate School Calendar. We would expect policy changes / amendments to be made. [We view this is an action item to be placed on the "to do" list of the Board of Trustees.]

Teacher Staffing, Teacher Transfers and Staffing Processes

In the event Zone 1 further proceeded with the implementation of an Alternate School Calendar, we recommend that each school jurisdiction examine their staffing procedures (including in relation to substitute teachers) as well as teacher transfer processes to ensure they are consistent with the *Act*, existing policy and practice. [NOTE: This may require that staffing guidelines / procedures be first amended and sufficient notice as to any change in policy / practice be provided to all teachers and staff. We would further discuss this with you in the event Zone 1 were to further proceed with the implementation of an Alternate School Calendar.]

Recruitment

Given the recent case law in relation to negligent misrepresentation in the hiring process, school jurisdictions should be mindful as to how they represent the Alternate School Calendar in their recruitment process to potential employees. In the event Zone 1 proceeds with the Alternate School Calendar, we would provide additional details in this regard.

6Note: Section 2 of the *Act* reads: 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. There is significant Board of Reference case law with regard to "reasonableness."

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Employment Contracts

It would be incumbent on each school jurisdiction to examine their employment contracts to ascertain what legal contractual commitments they have made in relation to their employees and whether employment contracts would have to be amended (in accordance with legal requirements in the context of an Alternate School Calendar). School jurisdictions should verify the termination clauses in the contract and verify whether there are any corresponding sanctions in the event of early termination / contractual amendment(s).

Given that the employment of teachers in Alberta is subject to a unique and specified regime created by the combined effect of the *Act*, governing collective agreements, the common law and employment contracts, a review of teacher employment contracts is not a stand-alone process. A school jurisdiction should review these other components as the employment contracts in and of themselves do not form the totality of the contract of employment between teachers and school jurisdictions.

Timeframes set out in the Act

In the context of an Alternate School Calendar, school jurisdictions would also have to act in accordance with any timeframes set out in the *Act* in relation to the following:

s. 98(3) A probationary contract of employment shall terminate on the June 30 following the commencement date specified in the contract

s.98(4) Further probationary periods may be mutually extended for a further period ending no later than the June 30 next following the date of the renewal of the

contract

s.101(2)(b) A temporary contract of employment shall terminate on the June 30 next following the commencement date specified in the contract or on a date provided for in the contract, whichever is earlier.

s.102(1) A board may employ a teacher for a period of not more than 360 teaching days under an interim contract of employment (...)

s.104(1) A superintendent may, at any time *during a school year*, transfer a teacher from one school operated by the board to another of its schools.

s. 107(1)(b) A board may terminate a contract of employment with a teacher or a designation of a teacher made pursuant to s. 19, 95, or 96 after giving the teacher written notice of termination not less than 30 days prior to the effective date of termination.

s. 109(1) Subject to s. 106(2), a notice of termination of a contract of employment or of a designation made pursuant to section 19, 95, or 96 shall *not* be given by a board or a teacher in the 30 days preceding or during a vacation period of 14 or more days' duration.

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2. Contract Law

Prior to the implementation of an Alternate School Calendar, it would be incumbent on each school jurisdiction to examine their contracts with third parties to ascertain what legal contractual commitments they have in relation to same, their impact on an Alternate School Calendar and whether the contracts can be amended or terminated, and if so, whether there are any corresponding penalties. Some key contracts which could impact on an Alternate School Calendar include transportation contracts, third party service contracts (i.e. psychologists, etc.), contracts in the food industry, technology contracts, special education related contracts, service agreements, etc.

3. Administrative Law – Procedural Fairness

While the rules governing procedural fairness do not apply in respect of the exercise of a public body's legislative powers (i.e. Legislators are not bound to consult with affected parties before passing legislation), to the extent a school jurisdiction raises a legitimate expectation that it would consult with stakeholders before any decision would be reached as to the implementation of an Alternate School Calendar, or where a school jurisdiction has held out that it would follow a specific procedure, and there is a reliance upon that position by an interested parties (particularly parents), Courts have held school jurisdictions to their promises, in the broader interest of procedural fairness: *Czerwinski v. Muelaner*, 2007 ABQB 536.

In any event, we recommend that each school jurisdiction establish a consultation plan in relation to the proposed Alternate School Calendar and to provide stakeholders with a meaningful opportunity to provide input into the process. While there may not be a strict legal obligation on a school jurisdiction to proceed in this manner, in our view is a judicious way to proceed.

This consultation process could address matters such as the impact an Alternate School Calendar would have on the scheduling of outdoor education, extracurricular activities, competitive sports activities, summer holidays, potential child care issues, summer jobs for high school students, and facility cleaning and maintenance, etc.

It would be important to keep the stakeholders informed of the issues surrounding the implementation of the Alternate School Calendar. As background information, in the United States, lawsuits have been filed by parents against school districts who challenged the implementation of year-round-schooling, citing year-round-schools as being harmful to students. This type of scenario might have been avoided had there been a full consultation process with stakeholders.

4. Infrastructure

School jurisdictions would have to assess the impact an Alternate School Calendar would have on facility usage, operating costs, air conditioning issues, classroom assignment, teacher work areas and storage, as well as all corresponding costs. We would advise school jurisdictions to review their facility usage / join use agreements and mutual-aid agreements - 14 -

with regard to facilities and assess whether they would require amendments (if possible) and whether there are any corresponding penalties.

5. School Closure Regulation / Policy Requirements

In the event the implementation of an Alternate School Calendar would require a school / program closure pursuant to the *Closure of Schools Regulation*, Alta. Reg. 238/1977, the school jurisdictions are advised to act in strict accordance with the requirements therein set out as well as to act in accordance with the school jurisdiction's policy requirements in this regard (assuming there is no contradiction between the two).

6. Funding Manual for School Authorities / Grants

We would recommend that the Zone 1 examine the Funding Manual and any grant requirements to ensure that funding matters, including student enrolment, are properly addressed in accordance with the Funding Manual.

7. Deficit and Alberta School Boards

As part of their due diligence, each school jurisdiction in Zone 1 should establish with a proposed budget, which would include the proposed fiscal implications of the implementation of the Alternate School Calendar and assess the impact of same on each school jurisdiction. Of importance is the issue as to what additional revenue sources might foreseeably be required to support an Alternate School Calendar. School jurisdictions would want to ascertain the level of assistance they would (presumably) try to seek from Alberta Education in this regard, and assess whether the implementation of an Alternate School Calendar has any impact in terms of any school board deficit (if applicable).

8. School Councils and Stakeholders

As noted above, it would be critical for each school jurisdiction to establish / implement a consultative plan for its stakeholders and involve the School Councils in the Alternate School Calendar process. My review of the case law (American) with regard to the implementation of year-round-schooling reveals that parents have not hesitated to sue school districts on the basis that school districts have not followed due process in the consultation process. (This of course would depend, in part, on any Board policy and representations made by the Board of Trustees as to the process). However, again out of an abundance of caution, it would be important to involve stakeholders and school councils in the consultation process.

9. Special Education

An assessment should be made as to whether the provision of special educational services would have to be modified in the context of an Alternate School Calendar and whether any corresponding staffing changes (and corresponding funding) would have to be made. Query whether an Alternate School Calendar would impact on special education curriculum support, speech, OT, etc, and whether there would be any additional cost associated with the provision of specialized programs in an Alternate School Calendar.

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10. Boards of Trustees

The Board of Trustees of each school jurisdiction in Zone 1 would play a critical governance role in the implementation of an Alternate School Calendar. We recommend that each Board of Trustees receive a checklist of the "Legal To Do Checklist" which would include diary dates for each action item.

It would also be incumbent upon a Board of Trustees to ensure it is available to hear any

appeals (including s. 124 appeals to the Board concerning student matters and s. 104 transfer hearings) during the Alternate School Calendar. It would also be required to govern during an Alternate School Calendar in relation to any matters arising under s. 61(2) of the *Act*: power to make bylaws, power to close a school or school building, power to requisition from a municipality.

11. Central Office

Each school jurisdiction will have to assess the extent to which it will place resources at the senior administrative level to support the implementation of an Alternate School Calendar Education Program. Query whether this would have a cost implication and the nature and scope of services at this level.

12. Unions (Particularly the Alberta Teachers' Association)

It would be critical for each school jurisdiction to work with the unions, particularly the ATA, regarding the implementation of an Alternate School Calendar. Discussions could include the following:

- (a) teacher professional development – activities related to professional practice
- (b) instructional student achievement
- (c) high needs/risk students
- (d) curriculum – adaptations or modifications
- (e) alternative programs – home study, distance education, work experience
- (f) scholarships and bursaries – timelines
- (g) collective agreements

Administration

- (a) demands on personnel
- (b) scheduling – timetabling
- (c) classroom assignment
- (d) communications – students, teachers, central office, parents
- (e) school procedures
- (f) staff deployment – assignments
- (g) staff development – formative
- (h) coordination of jurisdictional activities – schools, central office

13. Testing and Accountability Measures (Alberta Education)

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It will be necessary for school jurisdictions to ascertain the impact an Alternate School Calendar would have on Alberta Education's accountability measures and testing, particularly the scheduling of Diploma Examinations. To this end, if Zone 1 were to further proceed with the implementation of an Alternate School Calendar, it should immediately enter into discussions in this regard with Alberta Education.

III. IMPLEMENTATION PROCESS

There are a number of practical and educational implications at play with respect to the implementation of an Alternate School Calendar. We are not experts on educational methods. However, we note that in 2005 Alberta conducted an extensive review ("Review") of alternatives to the current school year calendar, which was borne out of Recommendation 17 of Alberta's Commission on Learning.

The Review itself examined the impacts of a modified calendar on the various participants in a school system:

- (a) students;
- (b) teachers;
- (c) administrators;
- (d) parents and families;
- (e) school districts; and
- (f) costs and operations

The Review examined not only the literature in this area, but also considered the results of the interviews and surveys of the participants identified above. The results are extensive. As a backdrop to this opinion, we highlight some of the potential impacts on school jurisdictions as identified in the Review.

With respect to the impacts on central agencies and governing bodies such as school jurisdictions, one large urban school jurisdiction believes that a move to a modified calendar of any sort should emanate from the school community itself (i.e. students, teachers, parents), and that a school should have an appropriate plan and process for consultation in that regard.

Another large urban school jurisdiction stressed the importance of staff “buy-in”, and the availability of transfers to those who don’t want to be a part of a year-round education. The costs of running a school and keeping a facility open for 12 months was also listed as a real concern. Staff positions had to be changed to 12 months in nature and there was a need to track teacher time as it could exceed more than 200 days. As well, the transit system in this centre would not issue half-month passes to students, while charter buses which serve multiple jurisdictions experienced increased costs as a result of there being different calendars in each jurisdiction. Finally, summer support services needed expansion if yearround schooling/education was adopted.

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The Review concluded that schools need a planning period of 18 months or longer to allow for consultation with all stakeholders and to understand the rationale and benefits of yearround schooling/education.

CONCLUSION

While the *Act* does prevent the Alberta school jurisdictions from adopting an Alternate School Calendar, there are certain limitations that include aspects such as teaching hours/days and instructional time that must be adhered to. The timing of such changes is a practical consideration that could best be addressed in consultation with the relevant unions and/or Alberta Education (depending on the issue).

In the event Zone 1 were to further proceed with the implementation of an Alternate School Calendar, from a risk management perspective, we recommend each school jurisdiction work with a “Legal To Do Checklist” which would contain specific action items and timelines to ensure that the requisite legal areas are properly addressed.

There are numerous practical considerations that must be considered in consultation with the various stakeholders, and a significant planning period adopted before implementation can occur. As part of that process, we again recommend each school jurisdiction use a “Legal To Do Checklist” at part of the review / implementation process. While the implementation of an Alternate School Calendar is manageable, it will require significant planning on a continued basis. Ultimately, the legal component of this project is necessary to the viability of the plan.

In the event you have any questions, please do not hesitate to contact me with regard to the above or in relation to any aspect of the Alternate School Calendar.

Yours truly,

Opinion sent electronically; signed hard copy to be delivered by mail

TERESA R. HAYKOWSKY

TRH/haf/alm

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Appendix 3
Moving to an August 1- May 30 school year:
Discussion of the possible impact on school staff, families and communities
 Provided by B. Perry, Alberta Education System Improvement Group

Alberta school staff, families and communities are used to having the school summer break in July and August. What would be the impact of making June and July the summer break months?

It is a break with tradition

An earlier study, *Alternatives to the Current School Year Calendar: A Review*, found that proponents of a balanced calendar (which normally cuts only the last 15 days of August out of the summer break) have had difficulty obtaining parental acceptance of the change. Some reasons are legitimate in that some parents can get holidays only in the summer, and there are traditional summer activities for children; however, those interviewed in the noted study suggested that most parental objections are simply due to a desire to avoid change. In spite of the lack of logic of the objections, they are real. Moving the summer back one month may be more or less of a challenge. It would need to be accompanied by similar changes in the timing of traditional summer activities such as camps, sports activities, etc.

Differences in the weather in June and August

1. Do students get a colder summer with a June-July break?
2. Do schools need air conditioning more in August than in June?

By all Alberta climate indicators, July is the warmest month of the year. August and June are also warm, but less so than July, and the drop-offs in temperature in May (back from June) and in September (after August) are both significant.

TABLE 9
Difference in daily average temperatures

City	June versus May	August versus June	August versus Sept
Fort McMurray	4.3	0.6	5.9
Grande Prairie	3.8	0.8	4.8
Edmonton	3.8	1.1	5.3
Red Deer	3.9	1.1	4.6
Calgary	4.0	1.8	4.8
Medicine Hat	4.3	2.3	6.0
Lethbridge	4.2	2.2	5.1
Average	4.0	1.4	5.2

TABLE 10
Difference in daily maximum temperatures

City	June versus May	August versus June	August versus Sept
Fort McMurray	4.0	0.5	6.5
Grande Prairie	3.3	1.2	5.0
Edmonton	3.4	1.1	5.3
Red Deer	3.6	1.4	4.4
Calgary	3.8	2.3	4.9
Medicine Hat	4.4	3.0	6.2

Lethbridge	4.1	3.1	5.3
Average	3.8	1.8	5.4

Clearly, the differences between June and August are small, certainly relative to the differences with May and September. However, the June-August difference is non-zero and consistently in favour of August. The differences between June and August are more pronounced in the more southern parts of the province whereas there is little difference in the north.

In general, it would not seem that the difference of just over 1 degree on an average day is enough to make any difference in either the perception of “losing out on summer” by going to a June-July break, or the perceived “greater need for air conditioning in August”. However, those in the extreme south of the province have a more notable difference and their impressions of “August being a hotter month” are a bit more valid.

The source of this information is Environment Canada “Climate Normals”, an average of climate data from 1971-2000 inclusive, and available at http://www.climate.weatheroffice.ec.gc.ca/climate_normals/index_e.html

Have other places made changes either to or from the July-August break schedule?

A number of US states have studied the impacts of different school starting dates, and some have made changes accordingly.

A review of school year calendars in the US found that at least 11 states have calendars that primarily start near the beginning of August and end near the end of May. These states, largely in the South, are Arizona, Florida, Georgia, Hawaii, Indiana, Kentucky, Mississippi, North Carolina, South Carolina and Texas. Five other states have a year that begins in mid to later August and ends at or about the end of May.

Conversations with officials in a few of these states indicated that the primary reason was to allow for a complete first semester to conclude, and to hold end of semester tests, before Christmas. They decided that the change was beneficial to students in their highest grade (those who take graduation exams), so they made the change, and decided also that the change needed to be made across all grades at the same time.

What does the literature say about changing the school year?

It is not clear from the research (which is based on conversations with education officials in states and provinces) whether the concerns that are listed below are due to the length of the school year (versus the length of the summer break); or to the positioning of a school year of a give length (e.g. an August 1- May 31 year versus a Sept 1- June 30 year). Most of the concerns raised in the following notes suggest that the issue is with the length of the school year. The proposal being reviewed does not encompass a change in the length of the year, only in its positioning within the year.

The main concerns have been expressed by business, especially industries related to tourism. In fact, in some cases, there appears to be tension between the preferences of business and those of educators, with the state needing to decide between the two groups. The main concerns, raised by business, with starting the school year in early to mid August as opposed to very late August to 1st of September, are:

- Lower revenues for the tourism industry in August (and lower taxes for the state).
- Reduction in summer income for high school and college students.
- Families that migrate to other states for work during the summer need to come back earlier so children can start school on time, thus reducing income for these families (this is not an issue in Alberta as there are very few such families).
- Reduced vacation time for families.

The main concerns raised by the education community were:

- The high cost of utilities in August (air conditioning) as that is the hottest month in the southern states that were studied (Note: August is not the hottest month in Alberta, July is, and, on average, daily August temperatures are 1 degree higher than daily June temperatures).
- If migrant families (discussed above) do not return early but instead at the end of the migrant work season (end August), their kids start school late and fall behind (this is not an issue in Alberta as there are very few such families).
- Fewer chances for teachers to remain current (i.e. in service).
- In Florida, a study found no relationship between start dates and student scores on the state tests – early start was no guarantee of better results.

One positive note on earlier start dates was that they cause less conflict with university schedules.

Other possible issues and benefits

The following are some potential issues and benefits that have not been analyzed as yet, because to do so would involve discussion with persons who might be affected by a calendar change. Such inquiries would occur at a later stage in this project, if the case for change were made after considering the other issues discussed in this paper. It is also expected that the relative impact of the issues listed in this section will be very small relative to those that have been analyzed.

What would be the impact on schools and their staff?

- More logical sequencing of learning with a natural break during the Christmas holiday.
- Fewer interruptions in learning as a result of students leaving early or returning late.
- Timing of the review and test preparation would be directly after instruction (August to November) so December's review would be more productive than the one conducted in January.
- Easier to schedule exams that reflect an equal balance of the number of instructional days because the holiday period does not interfere with the 'semester' period.
- Reduced number of days when teachers are out of the class to mark because marking could be conducted primarily at the end of December and over the holiday.

How would summer business operators adapt?

- If they just changed their season from July-August to June-July, they would probably find that their Alberta customers had also adapted their schedules along with those of their children.
- Customers from other provinces and from the USA, if they have July-August breaks, would only be available in July, unless the operators stayed open for the whole June-August period. This would presumably spread out the customers, maybe allowing more to come since there would be less competition for spaces in June and August.
- Youth staffing would not be a major problem, as Alberta high school students are available in June-July, high school students from other provinces in July-August, and post-secondary students for all three months.

What would be the impact on other operations associated with schools (e.g. health units, examination printers, summer school)?

A general comment would be that those operations whose main business was school-related would simply need to adapt their “high season” or “low season” (depending on whether their operation ran during the summer break or during the school year) to the new school calendar.

What would be the impact on B.Ed students who now do a May-June practicum?

Such a period would not now be practical, as K-12 would end in May. It is unknown how many students currently do practicums in May-June.

Would this make it more difficult for teachers to take summer courses?

Since the June-July period is within the summer break for universities, it is conceivable that the latter could change the timing on their summer courses to accommodate a June-July summer school period.

How would a transition year look? Or would there be at least two such years? And what would be the impact of that?

A transitional schedule might look as follows:

- Last standard year (2004/2005) – Sept 1, 2004 – June 30, 2005
- First transition year (2005/2006) – August 23, 2005 – June 21, 2006
- Second transition year (2006/2007) – August 12, 2006 – June 10, 2007
- First new schedule year (2007-2008) – August 1, 2007 – May 31, 2008

There would be reduced summer breaks (perhaps closer to 7 weeks than to 9 weeks in the transition summers of 2005, 2006 and 2007). In general, research has found that reduced summer breaks are better for student learning, so this may even have a positive impact. Those who want the full two-month summer for their various reasons would, of course, be concerned.

Would the fall term be too long?

- Without a mid term break, the fall semester would be longer than any current semester (5 months without a break). In view of the issues that arise in the current system in the last few months of a semester, this might place an added burden on staff and students: one of the reasons most often cited for going to a more balanced calendar is the value in having shorter terms with respect to energy levels of students and staff, behavioral issues, etc.
- Perhaps this change would move schools to having a longer October break and perhaps starting school not on August 1 but on July 24? The experience of those schools currently using a balanced calendar, who mostly have an October break, are generally quite satisfied with it. However, there may be more concern about having school in any part of July.