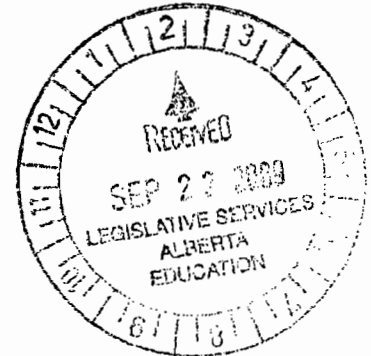
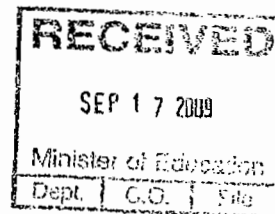




Public School Boards' Association of Alberta

September 15th, 2009

Hon. David Hancock, M.L.A.
Minister of Education
224 Legislature Building
Edmonton, Alberta T5K 2B6



Dear Mr. Minister:

Enclosed is the first submission from the Public School Boards' Association of Alberta, re: new education legislation.

The submission sets out key concepts that our members agree should be embodied in new legislation. As work on new legislation progresses, key concepts will have to be translated into more specific proposals. As an Association, we look forward to ongoing participation in the work of creating a new legislative framework for education in Alberta.

In addition, many of our members will be making submissions and meeting locally with M.L.A.s.

Both provincially and locally we will be working with M.L.A.s to ensure understanding of, and support for, our position on each of the issues that may be dealt with in legislation.

We look forward to working with you and your colleagues on this important initiative.

Yours truly,

Don Fleming, President
Public School Boards' Association of Alberta

Enclosure

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EXECUTIVE SUMMARY

In response to the Minister's invitation to prepare for a review of the *School Act*, members of the Public School Boards' Association of Alberta (PSBAA) have spent the last fourteen months developing key ideas that representatives of the Association would advocate during the review process. In developing these key ideas, the members of the Association have focused on a principle-based approach that is global yet responsive to particular circumstances.

The current *School Act* is a lengthy, complicated, and sometimes contradictory mixture of provisions, many of which are outdated, redundant, too prescriptive, and/or in conflict.

Our aim is legislation that is less prescriptive and more open to innovation -- legislation that shifts the focus from accountability to the provincial government to responsibility to the local community. Our aim is legislation that enlarges the responsibility of the local community, as represented by locally elected public school trustees, to provide excellent education to every child, and create healthy, better educated communities.

New or revised legislation should reflect three basic commitments:

- to provide an excellent educational experience for each student, with the conviction that both the student and the community will benefit as a result;
- to provide a framework for a respectful partnership in which everyone is encouraged to do significant work; and,
- to model a strengthened civil democracy, in which the public is the final authority and must be an active participant in the process of government and governance.

Schools are generally the community hub and the most natural site for the public to provide a variety of services to children. Public schools could potentially be the place to offer much more than schooling. One might envision education centers, which could allow health, justice, social services, children's services, the business community, etc., to work together to respond directly to the unique and vital interests of students in the context of the local community.

Public school education exists to ensure, equally, the right of the students, to the best education, and the need of the community, for a well educated citizenry. The local community (represented by elected trustees) is in the best position to ensure that these goals are achieved.

The PSBAA believes that public school education is the best possible education, because:

- children of every description and interest are educated together, in an atmosphere of real mutual respect, and every adult participates in the government of the school. (Inclusion is not only a matter of emphasizing what is common, it is also a matter of celebrating diversity.)
- the school setting is deliberately and primarily intended and designed to be, and functions as, a model of a civil democratic community, and,
- the primary community that the public school models is the one the students understand best – the one that is closest to them.

Provincial legislation should constitute the framework for providing public and separate school education (as well as all other forms of formal schooling). The supporters of public school education are ready, at any time, to engage in a dialogue about a new perspective on a positive framework for public education, based on the following key ideas. These ideas have all been adopted by the membership of the Public School Boards' Association of Alberta.

The governance of public school jurisdictions is an exercise in local self-government. Locally elected school boards are responsible to ensure transparency and access to the decision-making process. These should be primary goals in writing the legislation.

1. Legislation should define "public (school) education" as being inclusive -- both for children/students and for all adults in the (electoral) process of government. Any definition of public (school) education should refer to such education as governed locally by elected representatives of the local population.
2. There should be an assurance that, within each public school jurisdiction, residents are entitled to elect trustees for the jurisdiction, whose role is to provide government and oversight, and that these trustees are accountable to the local electorate and may only be removed from office by action of the Board, or the local electorate and/or the courts, for reasons set out in the law. The assurance should be equally strong for both public and separate school jurisdictions.
3. Public school jurisdictions should be given "natural person powers".
4. Public school boards should be enabled to achieve the educational and (related corresponding) community goals and objectives of their local electorate. Public schools are the hub of the general population's community and the local school board provides a common link for the public to achieve public policy objectives locally, as they relate to education, broadly defined. Public school boards should have the authority of a local general-purpose government to facilitate the accomplishment of communities' important public work related to education.
5. Wherever a separate school system exists, individual members of the minority faith should be allowed to choose to be residents, ratepayers, and electors of the public school jurisdiction.
6. Decisions regarding the boundaries of public school jurisdictions should be determined at the local level. Local communities (school boards and the electorate) should have the sole authority regarding amalgamation, regionalization, and annexation and/or reconfiguring any or all of the boundaries of the local public school jurisdiction.
7. Regardless of local circumstances or where the jurisdiction is located in the province, school jurisdictions should have reliable access to

predictable, stable and adequate funds from the provincial government, in order to do all the things that are mandated by the provincial government.

8. Public education is a shared responsibility of local and provincial communities. Each community should have the flexibility and the capacity to contribute to the success of their respective educational goals and objectives. Public school boards need a financial connection to the local community so that their public can respond to locally agreed mandates and provide long-term solutions to community needs and requirements. This should not have a negative impact on equitable access and funding of the provincial programming mandated to all public school boards throughout the province.
9. The Minister should be allowed to contract with an individual school jurisdiction or an association of school jurisdictions to accomplish any of the public education policy objectives of the provincial government.
10. Throughout Alberta, the boundary of a non-operating public school district (currently, a 4X4) should be made coterminous with the (rural) boundary of a corresponding public school division.
11. The boundary of a separate school jurisdiction should be within or coterminous with the boundary of the corresponding public school jurisdiction.

In the words of John Dewey (1907)

"What the best and wisest parent wants for his own child, that must the community want for all of its children. Any other ideal for our schools is narrow and unlovely; acted upon, it destroys our democracy."

The members of the Public School Boards' Association of Alberta are committed to providing exemplary leadership for the communities they represent. The Association and its members are confident that the key recommendations provided above are representative of the fundamental legislative provisions required to ensure that public school jurisdictions (and local communities) have the ability to adapt and respond effectively to the needs of the 21st century learner.

INTRODUCTION

In response to the Minister's invitation to prepare for a review of the *School Act*, members of the Public School Boards' Association of Alberta have spent fourteen months developing key ideas that representatives of the Association would advocate during the review process. In developing these key ideas, the members of the Public School Boards' Association of Alberta have focused on a principle-based approach that is both global and responsive to particular circumstances. The challenge is to make schools (and other centres of learning) ready for new students, ready to prepare them for an unknown future.

Our aim is legislation that is less prescriptive and more open to innovation -- legislation that shifts the focus from accountability to the provincial government to responsibility to the local community. Our aim is legislation that enlarges the responsibility of the local community, as represented by locally elected public school trustees, to provide excellent education to every child, and create healthy, better educated communities.

DEFINITIONS

EDUCATION in its broadest sense is any act or experience that has a formative effect on the mind, character, or physical ability of an individual (e.g., the consciousness of an infant is educated by its environment through the infant's interaction with its environment). In its technical sense education is the process by which society deliberately transmits its accumulated knowledge, values, conventions, and skills, primarily through its institutions, from one generation to another. Education provides for the development and enlargement of understanding and meaning from knowledge. Education is a collection of opportunities, experiences and services – a continuum of efforts toward a worthwhile life.

GENERAL-PURPOSE GOVERNMENT is government that has a specific mandate, and the capacity to interpret that mandate broadly in order to make the best possible use of resources, and achieve success. Relating to school boards, for example, most school boards deal, on an almost daily basis, with the mandate of as many as 13 different provincial government departments (Health, Children and Family Services, Solicitor-General, etc.). School boards are, *de facto*, a general purpose government, although they are not acknowledged to be, nor are there administrative and financial systems in place that facilitate effective work. (Municipal government is more generally acknowledged to be a general-purpose government.)

INCLUSIVE means that everyone may participate, without pre-condition of any kind. (Inclusion does not depend upon race, religion, economic circumstances, political outlook, intellect, or physical condition, etc.). For the purposes of public school education: - inclusion is a right, not a privilege; - inclusion is a responsibility as well as a right; and - inclusion in the process of government is as important as inclusion in the classroom.

With regard to public school education, inclusion extends beyond the classroom and into the government and governance of the institution.

NATURAL PERSON POWERS is the label for a legal concept that extends to created organizations the same legal rights and privileges that are enjoyed by individuals (persons, people). In our country and province the principle of law is that a person can do anything except that which the law prohibits.

Natural person powers are granted to an entity, not an individual. The body corporate would be granted the natural person powers, not individual trustees. Individual trustees already have natural person powers.

Corporations, societies, foundations, and municipal governments have natural person powers. Today, the only class of organization without natural person powers is school jurisdictions: they may only do that which the law specifically allows them to do.

At the present time, for example, a school board can only enter into an agreement about a matter specified in the *School Act*. Natural person powers would give school boards the capacity to enter into a wide range of agreements (anything except those prohibited by law). Having the right to enter into a range of agreements does not create any obligation to do so.

Similarly, at the present time, school boards can only delegate responsibilities that are listed in the *School Act*. Natural person powers would allow them to delegate any responsibilities except those prohibited by law.

PROVINCIAL MANDATE The representatives of the Government of Alberta have been authorized (through the electoral process) to exercise the responsibility (on behalf of the citizens of Alberta) to ensure that the overall standards for basic education within the province are at exemplary levels compared to other provinces and countries. The provincial mandate is a clear and complete description of the provincial government's expectation of each school authority. That description must contain sufficient detail that the school authority can determine the cost of fulfilling the mandate, given its student population and resources.

PUBLIC POLICY is the body of principles that underpin the political and legal operation of societies. Public policy acknowledges the social, moral and economic values that tie a society together and sets out goals, directions and behaviors intended either to reinforce existing social expectations or to encourage constructive change. Public policies are most likely to be effective when they are consistent with the most generally accepted societal norms and reflect the collective morality of the society. Public policy is the expression of values, goals, boundaries, sanctions, actions, and resource allocations, determined by the decisions (or indecision) of any representative government in dealing with issues. Local, provincial, and federal governments, including public school boards and municipal councils, make public policy decisions.

BACKGROUND

The current *School Act* is a lengthy, complicated, and sometimes contradictory mixture of provisions, many of which are outdated, redundant, too prescriptive, and/or in conflict.

New or revised legislation should reflect three basic commitments:

- to provide an excellent educational experience for each student, with the conviction that both the student and the community will benefit as a result;
- to provide a framework for a respectful partnership in which everyone is encouraged to do significant work; and,
- to model a strengthened civil democracy, in which the public is the final authority and must be an active participant in the process of government and governance.

HISTORY OF THE CURRENT LEGISLATION

A variety of schools, including public and parochial (church) schools existed before there was any school legislation in what was then the Northwest Territories. Initial legislation (1884) was adopted by the Territorial government to demonstrate a Territorial commitment to education and to provide structure and limited financial support for public and (sometimes) separate schools. At the time there was no formal recognition of private, charter, and home schooling. The first Territorial School Ordinances were created for a time when many parts of Alberta were not yet organized for public school purposes. However, from earliest days, a sense of community was highly valued, and school ordinances were intended to encourage local communities to make public education part of the community experience and promote local community participation in, and commitment to, public school education. The sense was that, unless the local community had the opportunity and means to demonstrate that it valued public education and could relate education to life in the community, the students would not appreciate the value of education.

For more than 125 years the framework of school legislation has not seen any fundamental changes, although our family and community circumstances have changed in almost every way imaginable. Provincial governments have continued to

respond to the changes within the original framework, and the result can fairly be characterized as addition after addition, with very little pruning of deadwood.

THE CONSTITUTION AND THE SCHOOL ACT

The Constitution is a final complicating factor in revising provincial legislation. Alberta is one of only three provinces in Canada with separate school education systems, defined by religious conviction. In all three of these provinces, only Protestantism and Roman Catholicism are recognized: the Constitution does not acknowledge the religious perspectives of any other faiths or citizens. Alberta is the only province where citizens have no choice about which school system they support, if there is both public and separate school education in their community.

Prince Edward Island, Nova Scotia, Quebec (except in two places), Manitoba, and British Columbia have no faith based separate school systems. In Newfoundland, the people voted (twice) to disestablish faith-based systems and replace them with one public school system in which faith-based education guarantees are provided at the school level, not at the system level.

NEW VISION

The Minister, on several occasions, has stated his preference for new legislation that would encourage broader, more comprehensive and enhanced services for children, (what the Minister calls "wrap-around services"). He has indicated that such services could be provided under the umbrella of an "*Education Act*" rather than a *School Act*. The Public School Boards' Association of Alberta would actively support a thorough exploration of how administrative and financial barriers could be removed, so that services for children and their families could be directly (and more quickly) requisitioned by school jurisdictions from service providers and agencies associated with other ministries.

Schools are generally the community hub and the most natural site for the public to provide a variety of services to children, and locally elected trustees are responsible to achieve what the public wants. Public schools could potentially be the place to offer much more than schooling. One might envision education centers, which could allow health, justice, social services, children's services, the business community, and so on to work together to respond directly to the unique and vital interests of students in the context of the local community. Financial and administrative barriers could be removed to enable appropriate and timely responses.

Some years ago Ontario undertook a health initiative called "One Stop". The principles embodied in that initiative may be valuable if applied to education in Alberta. Such an initiative could lead to the establishment of education centers housed and operated within public schools, with the potential to enhance and expedite service to children and perhaps re-engage public interest and support. Children are the public's future and the people who work most closely with them must have the capacity, the ability, and the resources to respond to their needs. Our vision is that decision-making and authority will be redirected to the local community. Through enabling legislation, locally elected school boards could provide excellent local government that allows for a meaningful and appropriate balance between parental needs and concerns and those of the general public. Party politics and corporate lobbying should be distanced from the government of education. The provincial government's role should acknowledge and support the legitimate and important goals of a local community.

Legislation for education should focus upon the general policy objectives of Albertans. It should focus on ends, not means. Legislation should reduce the range and detail of provincial prescription, management, and control; it should enable the local public, through their locally elected trustees, to attend to the means of accomplishing both provincial and local goals.

FUNDAMENTAL PRINCIPLES

Every child has an unequivocal right to the best education the community can provide, and this right is the mirror image of the community's need for a well-educated citizenry. Correspondingly, every citizen has the unequivocal right - and responsibility - to participate in the government of public school education.

From the perspective of its supporters, public school education exists to ensure, equally, that the right of the students (to the best education) and the need of the community (for a well educated citizenry) is fulfilled. The local community (represented by elected trustees) is in the best position to ensure that the right of the student is upheld and the need of the community is met.

The PSBAA believes that public school education is the best possible education, because:

- children of every description and interest are educated together, in an atmosphere of real mutual respect, and every adult participates in the government of the school. (Inclusion is not only a matter of emphasizing what is common, it is also a matter of celebrating diversity.)
- the school setting is deliberately and primarily intended and designed to be, and functions as, a model of a civil democratic community, and,
- the primary community that the public school models is the one the students understand best – the one that is closest to them.

Public school education should be identified as different from all other means of providing education, and preferred over all other means. Public school education is unique and vitally important to the long-term well-being of both local communities and the provincial communities. Public school education addresses primary issues that other systems consider secondary – inclusion, the importance of the civil democratic and self-governing community, the importance of the public and the local community.

Public and separate school education should be governed by means of a respectful partnership between the provincial government and local communities, represented by locally elected school trustees. Such a partnership affords local communities a large measure of self-government (sometimes referred to as reasonable local autonomy). In such a partnership, one party should not be able to change the essential terms of the partnership except with the consent of the other party, or with the consent of the electorate.

It is vitally important to focus on the students and teachers and others involved in education. For public school education this means giving a preference to the local aspects of government, rather than the provincial aspects.

The Public School Boards' Association of Alberta believes that the essential role of the provincial community, as represented by the provincial government, is to:

- express a vision of how an excellent education system can be organized, and what it can provide, to students and to communities across Alberta;
- regulate the teaching profession, in cooperation with the profession itself;
- work with the teaching profession and with post-secondary institutions to ensure that an adequate number of prospective teachers and other relevant professionals are educated and certificated in Alberta;
- convene the relevant professions and the public to develop, adopt, and from time-to-time modify a non-exclusive program of studies for use in Alberta by all educating organizations that receive public funding;
- work with the relevant professions and with the boards of school jurisdictions to set outcome standards for the end of school experience; and,

- collect and ensure the equitable distribution of most of the resources required by the education system and, at the same time, ensure that school jurisdictions have equitable access to discretionary funds that can be used in pursuit of locally determined mandates.

Beyond enacting a compulsory education provision, the basic perspective of the provincial government should be that its role is to enable others to provide education, and that public, separate, and francophone education is first and foremost, the responsibility of the local community.

The Public School Boards' Association of Alberta believes that school jurisdictions, acting together and in cooperation with the provincial government, the A.T.A., and others, can:

- express a vision of how a great education system can be organized, and what it can provide, to students and to communities across Alberta;
- develop, adopt, and from time-to-time modify curriculum that is consistent with the provincial program of studies;
- develop, adopt, and from time-to-time modify, and ensure the use of comprehensive, constructive, qualitative student assessment instruments that are appropriate to the circumstances of the child;
- provide support to school jurisdictions in whatever way the jurisdictions themselves decide; and,
- provide a process for hearing and deciding appeals from the decision of local school boards/jurisdictions.

The Public School Boards' Association of Alberta believes that the role of the local community, as represented by its public school board, is to:

- express a vision of how a great education system can be organized, and what it can provide, to students and to the communities within the jurisdiction;
- ensure that every person involved in public school education is treated with respect and has the opportunity to do significant work;
- ensure that the education of all children reflects a personal knowledge of each

child and their family circumstances, and is well-grounded in the immediate experience of the children and demonstrates a clear connection to the larger community;

- ensure that excellent educational opportunities are available and accessible for all children and that appropriate staff, curriculum, facilities, equipment, materials and supplies, and experiences, with the goal of developing good persons and good citizens;
- convene the local public and respond to the needs and aspirations of the local public to the extent that such responses (1) contribute directly to improved education for children, or (2) complement the education of children or (3) strengthen the community;
- ensure that all the resources of the local public school system are optimally available to the community as a whole (especially for life-long and continuous learning), after assuring that the educational needs of children are met;
- fund local mandates (by local taxation), within the context of a provincial fiscal equity program; and,
- ensure that the institution of public education is worthy of respect and is respected.

KEY RECOMMENDATIONS

Provincial legislation should constitute the framework for providing public, and separate, and francophone school education as well as all other forms of schooling. The supporters of public school education are ready, at any time, to engage in a dialogue about, and advocate for, a positive framework for public education, based on the following key ideas. These ideas have all been adopted by the membership of the Public School Boards' Association of Alberta.

The governance of public school jurisdictions is an exercise in local self-government. Locally elected school boards are responsible to ensure transparency and access to the decision-making process. These should be primary goals in writing the legislation.

The following key positions have been adopted by the members of the Public School Boards' Association of Alberta for the purpose of contributing to a dialogue with the provincial government and others about the *School Act* or successor legislation.

INCLUSIVE SELF-GOVERNMENT

Legislation should define “public (school) education” as being inclusive – both for children/students and for all adults in the (electoral) process of government. Any definition of public (school) education should refer to such education as governed locally by elected representatives of the local population.

- This would distinguish public school education from other forms of education regulated by the provincial government, including separate schools, charter schools, private schools, and home schooling. The distinction explains why most wrap-around services provided by government have to be delivered through public school jurisdictions. This concept provides the rationale for differential funding for public school jurisdictions compared to other providers.

Separate school jurisdictions, as well as charter and private schools, might argue that they are prepared to be inclusive in the classroom: most would not agree to be inclusive on their voters' list. (St. Albert Protestant Separate School District is an exception to this.)

There should be an assurance that, within each public school jurisdiction, residents are entitled to elect trustees for the jurisdiction, whose role is to provide government and oversight, and that these trustees are accountable to the local electorate and may only be removed from office by action of the Board, or the local electorate and/or the courts, for reasons set out in the law. The assurance should be equally strong for both public and separate school jurisdictions.

This concept reflects the idea that, in Canada, we have two orders of government – federal and provincial – and the provincial government is two layers deep – provincial and local. Local government, in this view, is not a third order of government and it has no sovereign powers. However, as an aspect of the provincial government, local government has some certain freedom from unilateral and/or unwarranted acts by the provincial government. In Alberta, local government relies on the concept of the separation of powers.

The court system might provide an analogy. The courts are not a third order of government and, in some ways they are not at all independent of the government. But, there is a "right role" for the court and the government cannot interfere when the courts are exercising the "right role". The protective barrier is not black letter law; the protective barrier is a widespread conviction about how to ensure democratic self-government, a conviction that has been translated into specific political decisions, over many years.

- This is the basis of the idea of "reasonable local autonomy" and the "respectful partnership" between the provincial community and the local community, as represented by the provincial government and the school board/jurisdiction. This concept should be advocated on the basis that both the provincial government and local government have "right roles". A partnership is not a partnership if one party has a unilateral right, at any time and in all things, to change the rules.
- Adopting this concept would lead to the elimination of the Official Trustee provisions in the current Act, reconsidering the accountability framework, and removing the Minister/Department from any role in hiring, directing, or discharging the Superintendent or any other staff.
- Adopting this concept would affirm the accountability of individual trustees and the Board as a whole, to each other and to the electorate.

Public school jurisdictions should be given "natural person powers".

- School jurisdictions should be allowed to do anything except that which the law prohibits them from doing. Currently, the operating legal principal is that school jurisdictions may not do anything except that which the law allows them to do.
- This provision would clarify that school boards can acquire, own, and dispose of property without the involvement of the provincial government and cannot have their interest property diminished or taken away, except by due process of law.

Public school boards should be enabled to achieve the educational and (related corresponding) community goals and objectives of their local electorate. Public schools are the hub of the general population's community and the local school board provides a common link for the public to achieve public policy objectives locally, as they relate to education, broadly defined. Public school boards should have the authority of a local general-purpose government to facilitate the accomplishment of communities' important public work related to education.

- At the present time, there is no acknowledgement that the local community might mandate its public school jurisdiction to do or provide some public facility (such as a library) or service (such as child immunization). There is no recognized way or base funding for a public school board to respond to a mandate that emerges locally. Consequently, boards are unable or reluctant to provide additional services to their local community.
- Currently, public school jurisdictions, on a day-to-day basis, may deal with the mandate of some or all of 13 different provincial government departments. There is no base funding and no reliable way of funding additional services, even though it might often be more comprehensive, ethical, and effective to do so. This proposed concept would justify providing base funding for public schools by other provincial government departments, for community facilities (such as libraries) and services (such as public health).
- Separate school jurisdictions, or charter or private school operators would not be declared a local general purpose government, although the provincial government could achieve substantially the same end by discretionary action (as in St. Albert, for example, where the *defacto* broadly based jurisdiction is the separate school jurisdiction.)

Together, these two concepts would enable school jurisdictions to enter into contracts and provide wrap-around services, and respond to local initiatives without the need to establish that a permissive provision is in the legislation.

Wherever a separate school system exists, individual members of the minority faith should be allowed to choose to be residents, ratepayers, and electors of the public school jurisdiction.

- This is currently the policy position of the Association (arising out of what is often called the “Brassard situation”). Such choice is available to members of the minority faith in Ontario and Saskatchewan. In Saskatchewan, for example, the mechanism is a default mechanism: all adults are assumed to be public school supporters unless and until they declare themselves to be separate school supporters.
- The proposal would not allow people who are not of the minority faith to become residents, ratepayers, and electors of a separate school jurisdiction.

BOUNDARIES

Decisions regarding the boundaries of public school jurisdictions should be determined at the local level. Local communities (school boards and the electorate) should have the sole authority regarding amalgamation, regionalization, and annexation and/or reconfiguring any or all of the boundaries of the local public school jurisdiction.

- This provision would ensure that no further consolidation of school jurisdictions takes place except with the consent of the local electorate.
- It would also ensure that future boundary adjustments are made with the knowledge and consent of the local community.
- In addition, such a provision would limit the application of section 239 (or a successor provision) to situations in which the local electorate or Board asks for a change of boundaries. The Minister could use the section only to comply with the requests.

CAPACITY

Regardless of local circumstances or where the jurisdiction is located in the province, school jurisdictions should have reliable access to predictable, stable and adequate funds from the provincial government, in order to do all the things that are mandated by the provincial government.

- This concept proposes that the provincial government should be obliged to fully fund everything it mandates. The term used in some American jurisdictions is that the state (or national) mandate is fully funded, and the State government has a legally enforceable obligation to fund the full local cost of anything that it mandates to the local jurisdiction.

This provision would also require the provincial government to be more clear about what it expects its mandate to school boards to involve and produce: this allows the local school jurisdiction - and the public - to understand more clearly what the provincial government should be expected to fund. (For example, there has been a recent review of special education in the province, leading to recommendations that might be very expensive to implement. According to this concept, the provincial government would be obliged to carefully cost out implementation of the recommendations, and pay the projected cost. In addition, school jurisdictions would be able to track their real costs and claim any material differences that they could justify as necessary to fulfill the mandate.)

Public education is a shared responsibility of local and provincial communities. Each community should have the flexibility and the capacity to contribute to the success of their respective educational goals and objectives. Public school boards need a financial connection to the local community so that their public can respond to locally agreed mandates and provide long-term solutions to community needs and requirements. This should not have a negative impact upon equitable access and funding of the provincial programming mandated to all public school boards throughout the province.

- The Provincial government has complete control over educational funding, despite significant contributions from local taxpayers.
- Prior to 1994, school boards requisitioned locally, to make a local contribution to the investment in education and to pay for local initiatives (mandates), etc. In 1994 the provincial government assumed responsibility for fully funding our annual investment in education. The immediate result was that citizens lost their direct (property tax) connection with education as a personal and community investment. In addition, the mechanism the provincial government used to put their commitment in place had the (generally unexpected) result of preventing school boards from accessing the local tax base to fund local priorities and local initiatives.

EDUCATIONAL SERVICES

The Minister should be allowed to contract with an individual school jurisdiction or an association of school jurisdictions to accomplish any of the public education policy objectives of the provincial government.

- Many of the issues that are left with the Minister and Department in the current Act could be dealt with cooperatively by public school jurisdictions themselves. The development of curricular materials and evaluation tools are two examples.
- Correspondingly, the Minister should have the capacity, under appropriate conditions, to enter into agreements that would free boards and jurisdictions from constraints. For example, the Minister might enter into an agreement with any large jurisdiction to have the jurisdiction itself do some things that the department does.

SEPARATE SCHOOL CO-EXISTENCE

Throughout Alberta, the boundary of a non-operating public school district (currently, a 4X4) should be made coterminous with the (rural) boundary of a corresponding public school division.

- This provision would reduce the number of, and the uncertainty associated with, future establishments/expansions of separate school education. Each expansion in rural areas would cover a larger geographic area (the entire rural area of a public school division). Expansion would entail assuming responsibility for providing separate school education to all eligible children, no matter where they live in the division. Another perceived benefit is that public school jurisdictions would not be in the situation of constantly wondering where the next expansion initiative might occur. (This is the law in Saskatchewan, which has exactly the same constitution as Alberta.)

The boundary of a separate school jurisdiction should be within or coterminous with the boundary of the corresponding public school jurisdiction.

- This would eliminate a number of transportation and other issues that cause conflict between public and separate school jurisdictions. For example, this would virtually eliminate situations in which largely urban separate school districts establish separate school education in adjoining rural areas and bus students into the city from the rural areas, in order to improve their facility utilization and thereby qualify for additional space. (The result of this, for the public school jurisdictions, is that utilization is artificially reduced.)

This would also increase the likelihood that even though a public and separate school jurisdiction co-exist, the citizens of both would be thinking in terms of the same geographic community: this provision would strengthen the community within the shared boundary. (i.e. At the present time, Christ the Redeemer Separate School Division has parts in six different public school jurisdictions.) It is likely that separate school electors in different parts of the jurisdiction do not feel a very strong sense of community with people living many miles away but in the same separate school jurisdiction. On the other hand, they do not feel a sense of educational community with public school electors who live nearby.

- This would necessitate dividing most separate school jurisdictions, so that each one operates in only one public school jurisdiction. (For example, Christ the Redeemer Separate School Division operates in 6 different public school jurisdictions, and would have to be re-organized as 6 separate school jurisdictions.)

CONCLUSIONS

The members of the Public School Boards' Association have spent considerable time and effort to create a positive and comprehensive basis for participating in the development of new legislation for schools in Alberta.

In the words of John Dewey (1907)

“What the best and wisest parent wants for his own child, that must the community want for all of its children. Any other ideal for our schools is narrow and unlovely; acted upon, it destroys our democracy.”

The Center on Education Policy provides this insight from Why We Still Need Public Schools.

“In a world without public schools, responsibility for education would be dispersed across a jumble of providers, with no coordinating role from any level of government. Citizens would lack clear channels to influence local or national education policy. There would be no guarantees that any of the public missions of public education would remain a priority. Children from more privileged families would suffer, too, by being isolated from other segments of society. The nation would lose the one institution that routinely brings together children from different walks of life.

“Citizens today might take a lesson from the idealism of the founders of public education. Although public schools sometimes fall short of expectations, holding a set of ideals gives these schools something to work toward. The answer is not to do away with public schools or give up on the ideals that have guided them for two centuries. Nor is the answer to accept public schools as they are. The answer is to encourage reforms that will help all schools live up to these ideals.

“Public schools must be accountable to citizens, but citizens must also be accountable to public schools. (Albertans) can provide a model for their children of the virtues of a well-educated citizenry by supporting public education, engaging with their local schools, showing wisdom and compassion in decisions affecting schools, and advocating for better and more equitable public education.”

Alberta is known to be a leader within the educational community, however as we move through the 21st century, it is vital that the legislation framing the governance of public schools accommodate the current – and, hopefully, the future - requirements of our communities, including both our local and global communities.

The members of our Association are committed to providing exemplary leadership for the communities they represent. The Association and its members are confident that the key recommendations provided above are representative of the fundamental legislative provisions required to ensure that public school jurisdictions (and local communities) have the ability to adapt and respond effectively to the needs of the 21st century learner.

NEXT STEPS

We do not yet have any clear and complete description of the process that is to be followed to develop a new draft Bill.

We believe that it is very important to public school boards (and the PSBAA, and the public) that the process should be inclusive, collegial from beginning to end, and transparent.

M.L.A.s should be involved in the process, from the earliest stages, because the work is, first and foremost, political.

All interested parties (PSBAA, ACSTA, ASBA, ATA, CASS, ASBOA, ASCA, etc.) should be involved in the process on an on-going basis.

Assuming that inclusive working groups are involved on an on-going basis, there should be time for members of working groups to consult with those they represent.

There should be time for all interested parties to reflect on the main issues.

Public school trustees, their board, and their provincial association (the PSBAA) look forward to working with M.L.A.s and front-line partners to develop legislation that will create a strong, positive, and reliable framework for education in the years ahead.

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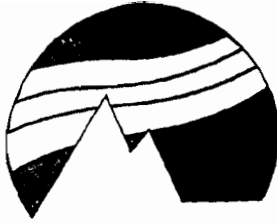
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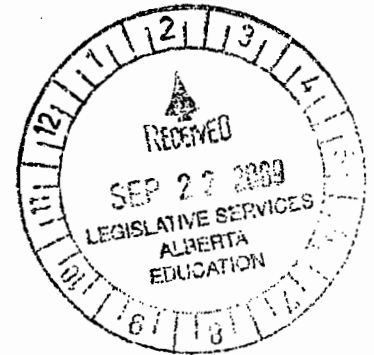
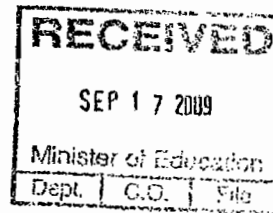
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Public School Boards' Association of Alberta

September 15th, 2009

Hon. David Hancock, M.L.A.
Minister of Education
224 Legislature Building
Edmonton, Alberta T5K 2B6



Dear Mr. Minister:

Enclosed is the first submission from the Public School Boards' Association of Alberta, re: new education legislation.

The submission sets out key concepts that our members agree should be embodied in new legislation. As work on new legislation progresses, key concepts will have to be translated into more specific proposals. As an Association, we look forward to ongoing participation in the work of creating a new legislative framework for education in Alberta.

In addition, many of our members will be making submissions and meeting locally with M.L.A.s.

Both provincially and locally we will be working with M.L.A.s to ensure understanding of, and support for, our position on each of the issues that may be dealt with in legislation.

We look forward to working with you and your colleagues on this important initiative.

Yours truly,

Don Fleming, President
Public School Boards' Association of Alberta

Enclosure