

SCHOOL ACT REVIEW

Discussion Paper for Legislative Review

I INTRODUCTION

As part of the ongoing support for the *Inspiring Education* process, Alberta Education has initiated a review of the *School Act* to stimulate debate and discussion within the Department, and to proactively prepare for the outcomes of *Inspiring Education*. The findings of *Inspiring Education*, to date, have provided strong statements as to the vision of education that is emerging, but have not described the impact that the vision would have on the legislation. In fact, much of the vision will not be addressed in detail in legislation, although it will be reflected in the intent and philosophy of the legislation.

Foundational themes have been developed which may help us to structure a new education act. The foundational themes closely align with the *Inspiring Education* values. These values are:

- Opportunity –the availability of opportunity for all students to achieve their highest potential
- Fairness – equity of opportunity recognizing that advantages and disadvantages vary widely amongst Alberta’s students
- Citizenship – preparing students for full active participation in the economy, society and democracy at the level of their local communities, the province, the country, and the world
- Diversity – recognizes the diversity in learning styles and needs within the student population, the breadth of cultural diversity in the province, and the strengths that diversity provides to our society
- Choice – recognizes that citizens expect more than a “one-size fits all” approach to the delivery of public services.

The foundational themes in this discussion paper centre on five main themes – access for students, educational opportunities, student success, governance, and financial responsibility. You will note that these themes do not refer to the role of teachers, principals, superintendents, and other staff in school jurisdictions. A number of issues respecting instructional employees will be addressed in the review of the regulations which will follow the introduction of a new education act in to the Legislative Assembly in 2010. Consideration will be given to a complete review of the provisions in the *School Act* and supporting legislation respecting instructional employees, which review would be conducted in the 2011 – 2012 school year.

The themes and concepts which support them are set out below. They may form the structure and outline of a new education act. We ask that you review these foundational themes. We hope that consideration of the following questions will assist you in developing your organization’s response to the Minister’s request for your input.

- A. What is your reaction to these themes? Are they an appropriate foundation on which to build a new education act?
- B. What should be included in legislation to support the foundation?

- C. Is there anything in the existing legislation which would impede the application of these themes?
- D. What are the opportunities which these themes present? What are the challenges?

In addition, we ask that you consider the following general questions:

- E. What additional policy areas should be considered?
- F. What are your top three priorities?

II FOUNDATIONAL THEMES

1. All Alberta children have a superseding right of access to the ECS -12 public education system which is not dependent on where they reside.

Some of the provisions of the legislation which might be affected by this foundational theme, or changed to support the foundational theme, include the starting and ending ages for access to the funded public school system, the dates of entry points to the system, and the definition of residence and resident student.

2. Students should be able to access instruction at any time, any place, and at their own pace.

Any time, any place, any pace access to learning requires a balance between fiscal responsibility and the interests of individual students. Any time, any place, any pace access may have an impact on how we define achieving school completion and the school leaving age, and what the school leaving age should be.

3. Student success is the primary goal of the education system and government has a responsibility to provide the structure and supports to maximize it.

Parent, community and student involvement are beneficial to student success. Additionally, choice is beneficial to student engagement and must be balanced with the need for a strong, fiscally responsible public education system. Collaboration amongst the Ministry, other ministries, school boards, and external agencies will allow for more effective provision of services. Areas which might be affected by this foundational theme include the dates of entry points for ECS and grade 1, and how we support student involvement.

4. The connection of locally elected school authorities to their communities is an important element of our public education system. Government has a responsibility to support maximizing trustee and board competence, and to set provincial standards for the roles and responsibilities of boards.

It is acknowledged that government has a responsibility to support rights enshrined in the *Canadian Charter of Rights and Freedoms*, and that constitutional rights must be balanced with the needs of all stakeholders.

School authorities should focus on educational outcomes and are accountable to parents, their communities, and the Minister for student achievement. Ministerial intervention is appropriate and necessary when a board is not meeting its obligations.

Parents and students are entitled to an avenue of appeal when not satisfied with a board's decision with respect to the education of a student.

Provisions in the legislation which might be affected to support this foundational theme include the election, appointment and removal of school board trustees, the ward and electoral sub-division structure within boards, the establishment process, and the capacity of the Minister to investigate or inquire into the operations of a school board.

5. There must be balance between local autonomy and fiscal responsibility.

The Ministry and boards are accountable for the expenditure of public funds. To support the accountability for the expenditure of public funds, it is important that roles in the management of capital should be clarified and reflect a shared responsibility between the Minister and the boards.

Some of the legislative provisions which may be affected include defining responsibilities for the management of capital (including instructional space, non-instructional space, school lands and buildings, and leased space), addressing the ability of boards to borrow to meet capital and operational expenditures, and clarifying definitions, responsibilities, and procedures for school closure.