

October 25, 2011

The Honorable Thomas Lukaszuk
Minister of Education
Legislature Office
423 Legislature Building
10800 - 97 Avenue
Edmonton AB T5K 2B6

Dear Minister Lukaszuk:

The College of Alberta School Superintendents appreciates the invitation to give final comments on Bill 18 before second reading later this month.

The Vision of the College of Alberta School Superintendents (CASS) is “*Leadership excellence for world-class Public Education*”. We are the professional voice of system education leaders, providing leadership, expertise and advocacy to improve, promote and champion public education.

Our first Principle of Practice is that “*Students are first*”. We put forth strong and vocal positions keeping student learning as the reason for making change.

Previous comments on the new Act have been received by your office and we trust are available to you. Our final comments follow:

1. The Education Act, Bill 18 is a framework for which policy and regulations will provide details. It is critical that the development of policy and regulations gives respectful, meaningful collaboration to all stakeholders and the revisions do not become only an internal Alberta Education responsibility. Clarification of sections of the Act must be made in policy and regulations.
2. The Education Professions and Occupations Act should be addressed immediately. In fact, separating it from the Education Act should be reconsidered. The connection of teacher supervision to duties of Superintendent of Schools is an important factor. Teacher roles and responsibilities are integral to our system.
3. Early Childhood Services were not addressed as we proposed although standards for ECS referred to in 21 (3). Originally CASS indicated that while school jurisdictions have been providing services to pre-kindergarten children with developmental delays for a considerable amount of time, there may be a desire to have the requirements for service outlined more clearly.

This has not been done. We said, “*Early Childhood Services – Pre-Kindergarten - The new Act should enable the provision of Early Childhood Services to children below the age of 4 years, 6 months who have special needs. The provision of these services should be a shared responsibility with other departments such as Health. Parents will have the right to appeal decisions that significantly affect the education of the child.*”

4. Other areas that we suggest there be further consideration if we are looking “through the lens of students’ eyes”:
 - a. How will Natural Person’s Powers enhance/be enabled by the Act?
 - b. The implications of students in school to 21 years of age. (Section 3) This is not automatically advantageous to either older or younger students and may put pressure on small and rural jurisdictions.
 - Small and rural jurisdictions will have difficulty in providing a school placement for students in their 4th year of high school. Directing older students to online or outreach programs should be allowed.
 - Older students doing upgrading at post secondary sites may be affected. What is the implication of this to post secondary institutions?
 - Students applying to Persons with Developmental Disabilities may have their transition to independent living delayed. Jurisdictions have seen a change in services to young adult special students already without the Act even receiving second reading.
 - Concern has been expressed over the potential of having 21 year old students in schools where younger students attend. This is a student centered section of the Act with implications for parents and students.
 - c. (Section 7) CASS has a resolution recommending student leaving age be 18:
Resolution 2007 – 3 Minimum School Leaving Age
BE IT RESOLVED:
That the College of Alberta School Superintendents advocate with the Government of Alberta to enact legislation that will raise the minimum school-leaving age to 18.
 - d. The College of Alberta School Superintendents supports section 217, Superintendent of Schools.

Once again, thank you for the opportunity to comment.

Yours truly,



Roger Nippard
President

c.c. CASS Board
CASS Zone Chairs and Superintendents

September 2011

Bill 18 (Education Act)

A. Themes that appear in Bill 18 are engagement, collaboration, inclusiveness and choice. In addition First Nations education seems to have a stronger presence.

B. CASS summary of action on the ten recommendations that were made following the CASS /ASBOA review of the School Act.

Summary from CASS Submission	
Action	No Action
<i>Cooperation and Coordination</i> Throughout proposed Act	<i>Expectations for Teachers</i> Part 7 awaiting Educations Professions Act.
<i>Governance Role for Boards</i> 33, 1, i	<i>Early Childhood Services</i> Not addressed although standards for ECAS referred to in 21 (3)
<i>Enabling and Less Restrictive</i> Natural Persons Powers 48, 1-3	<i>Supervision and Evaluation of Teachers</i> awaiting Educations Professions Act.
<i>Students</i> Emphasis on anti bullying, caring and safe environments; responsibilities but not roles or rights	
<i>Inclusive Education</i> Language used, collaboration expected	
<i>Value of Local Autonomy</i> Closure of Schools 56 Transportation 217 Superintendent appointments	
<i>Principles</i> See Preamble	
See Attachment 1	

C. On review of Bill 18, here are topics of interest that superintendents may keep in mind while supporting the work of their boards.

Natural Person Powers 48 (1)	Giving Natural Person Powers gives Boards more responsibilities in areas like school year, transportation etc. It would be valuable for boards to discuss their rights and responsibilities with respect to NPP.
Fees 54	Establishment of fees could be captured in NPP but this may collide with regulation. Watch for regs.
Code of Conduct 33	Needed
Caring, respectful and safe environment Anti Bullying Policy 31, 33	Needed
School Closure Policy 59	Needed
Transportation Policy 56	Required; walk distances
Attendance to 17 years, Access to 21 years 3	Implications for schools and boards.
Residence of Students 4 Independent Students 6 International Students 12 Tuition Fees 13	There are implications here on which students are funded. It seems all Canadian students are funded if they are in the division.
Francophone/Separate/Charter recognition	Review
Permanent Charters 25	Review
Minister prescription of time 18	Tripartite??
Collaboration for student programming 33	Change of culture to collaboration
Parent Responsibilities 32	Not enforceable
Student Conduct 36 Student Conduct includes outside school day 36	Provision of programming explicit Bridges school years
Disputes Resolution Policy 38	Keeps school level disputes from Minister
Amend policy on requests to Minister to review decisions 40 (1)	Review in jurisdiction
Appeal of Teacher Transfers 49 (4)	Cannot be delegated
Watch Regulations for →	Student Records 53 (1) School Fees

Education Service Agreements for First Nations Students 60	Standards? Minister → regs MOU ?
Appointment of First Nations Trustee 81	Important - Review
Trustee Eligibility 71	Roy Brossard Clause
Board Bylaws	I.e., wards, debentures
Structure of School Authorities	Note Minister's authority
Division 2 Establishment and Disestablishment of Separate School Districts	Of interest to school divisions with separate school divisions being considered
Financial reporting to the Minister	More authority to Minister
Division 7 Borrowing Division 8 Property	Secretary Treasurers/Treasurers

D. What further advice would CASS board like to give to government?

- School Act Section 62 regarding agreements. The omitting of this section from Bill 18 may affect Board practices.
- Clarification on Natural Persons Powers. Does that mean leaving out the current SA section 62 moves this responsibility to NPP.
- We must ensure our engagement in development of regulations and in the Education Professions/Occupations Act.
- Implications of students in school to 21 years of age. Special students, mixing older and younger students etc. Burden on boards?
- Funded students clarification
- Enrolment Clarification
- Charter Schools are enhanced in new act.
- FNMI