

August 28, 2017

Call to Order

The Special Meeting of the Board of Trustees of the Wolf Creek School Division No. 72 was called to order by the chair at 9:00 a.m. in the Superintendent's Office of the Ponoka office for the purpose of discussing the meeting as called by the Minister of Education and to change the September 7, 2017 Board meeting date.

Present

Chair: L. Jess; Trustees: T. Bratland, P. Hansen, B. Huff, D. Peterson;
Superintendent of Schools: J. Lovell; Secretary Treasurer: R. Hall;
Recording Secretary: J. Haines

Regrets: B. Walker

Adopt Agenda

204.17

Moved by P. Hansen that the Board approve the Special Meeting agenda as follows:

1. Call to Order
2. Stakeholders' Conversation September 6 and 7, 2017
3. Board Meeting Date Change

Carried Unanimously.

Action Items

Agenda Item 2.1 – Stakeholders' Conversation September 6 and 7, 2017

205.17

Mr. Lovell spoke to the ASBA's "An Overview of Key Changes for School Boards and Administrators". The Board reviewed the areas of concern and prepared talking points for the meeting.

Moved by D. Peterson that the Trustees Jess and Bratland attend the Stakeholders' Conversation September 6 and 7, 2017 as called by the Minister of Education.

Carried Unanimously.

Agenda Item 2.2 - Board Meeting Date Change

206.17

Moved by T. Bratland that the Board move the September 7, 2017 regular Board meeting to September 8, 2017 to accommodate the Stakeholders' Conversation September 6 and 7, 2017 as called by the Minister of Education.

Carried Unanimously.

Meeting Adjourn

207.17

Moved by B. Huff that the meeting adjourn. Time 10:45 a.m.

Carried Unanimously.



Chair



Secretary-Treasurer

Alberta School Boards Association

**AN OVERVIEW OF KEY CHANGES
FOR SCHOOL BOARDS &
ADMINISTRATORS**



This document has been prepared for information purposes only, intended to summarize and highlight key provisions of the Education Act and regulations, and is designed to assist Alberta schools boards generally in navigating the requirements of this legislation. The content of this document is subject to change as further information becomes available. Please note this is not a legal document and should not be taken as legal advice. Individualized assistance and advice for your board's purposes may be obtained from ASBA.

Implementation of the Education Act and Regulations

Education Act proposed proclamation
September, 2015

An overview of key changes for school boards and administrators

Background

On December 12, 2012, the *Education Act*, SA 2012, c.E-0.3, received Royal Assent. It is anticipated that it will be proclaimed and come into force on September 1, 2015. When it is proclaimed, the *Education Act* and corresponding regulations will replace the current *School Act* and its current regulations (these will be repealed). Draft regulations under the *Education Act* have been provided by Alberta Education and will likely be finalized prior to the Act being proclaimed. The information below is based on the version of the draft regulations provided by Alberta Education on December 16, 2014. As the regulations are finalized and other information is provided by Alberta Education, it is possible that the analysis below may change.

In order to assist school boards in implementing the changes and requirements of the new Act and its regulations, the Alberta School Boards Association (ASBA) has prepared a number of policy advisories, information sheets and an overview of a number of key changes under the Act that will affect school boards and school administrators. As a starting point, school boards should review and update any and all policies, administrative procedures, administrative regulations, handbooks, manuals, etc. that currently reference the *School Act*. In some situations where the provisions have remained relatively the same, this may simply require an update to the relevant section of the Act or regulation referenced in the document.

However, in other situations, the changes in the *Education Act* are more substantive and reflect a shift in policy that may have broader implications for boards. School boards may need to review their policies and procedures in greater detail and may need to create new policies and procedures to implement the requirements of the new Act and regulations. Some of these key changes are addressed below.

Table of Contents

Key Changes:

1. Natural Person Powers	Page 3
2. Right of Access	Page 5
3. Compulsory Education	Page 8
4. Residency	Page 9
5. Early Childhood Services/Kindergarten Age of Entry	Page 12
6. School Divisions	Page 18
7. School Councils	Page 22
8. Student Records	Page 26
9. Appointment of First Nation Trustees	Page 30
10. Education Service Agreements for First Nation Students	Page 32



Key Changes

1. Natural person powers

[\(back to table of contents\)](#)

Legislative provisions

Section 51 of the *Education Act* states the following:

Natural person powers

- 51(1)** *A board has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.*
- (2)** *With respect to any right, power or privilege exercisable by a board, the Minister may, by regulation,*
- (a) prohibit or restrict the use of the right, power or privilege;*
 - (b) provide that the right, power or privilege is to be exercised subject to any terms or conditions prescribed in the regulations.*
- (3)** *Notwithstanding subsection (1), a board shall not engage in or carry on any activity that is not consistent with the responsibilities of a board as set out in section 33.*

What has changed?

Under the *School Act*, boards could only exercise those powers that were specifically granted to them under the legislation. In other words, boards could only do that which the legislation expressly allowed them to do. If the legislation was silent on whether a school board could exercise a particular power, the legal presumption was that the board may not exercise that power.

By being granted “natural person powers” under section 51 of the *Education Act*, school boards may now exercise any power that a “natural person” may exercise, regardless of whether it is expressly granted under the Act. For example, this includes the right to enter into contracts or agreements, the right to buy and sell property, etc. However, those natural person powers may still be restricted or limited by legislation. In other words, with natural person powers, school boards:

- must do those things that the legislation requires them to do,
- must not do those things that the legislation prohibits, limits or restricts from them doing, and
- if the legislation is silent, may do anything else that a natural person may do.

For example, a school board with natural person powers does not require express authority under legislation to acquire real or personal property because a natural person may acquire personal property. Therefore there is no longer any need under the *Education Act* for a provision such as section 196 of the *School Act* which expressly empowered boards to acquire real or personal property. However, the *Education Act* still places some limitations or requirements on boards when they acquire property (e.g. section 188 of the *Education Act* requires boards to provide the Minister notice within 30 days of purchasing land or a school building).

School boards are also further limited in how they exercise natural person powers by the requirement in section 51(3) of the *Education Act* that boards shall not engage in any activity that is inconsistent with the responsibilities of school boards as set out in section 33 of the *Education Act*. Section 33 describes a number of responsibilities for boards but key to them is that the primary purpose of school boards is to deliver appropriate education programming to meet the needs of their students. This means that while boards may enter into business ventures or other arrangements as a natural person may do, the purpose of these ventures or arrangements must still link somehow to the board's responsibilities under section 33 and be consistent with those responsibilities.

It should be noted that having natural person powers does not grant school boards the authority to tax. The reason for this is that natural persons do not have the authority to tax other persons; therefore it is not a power that comes along with having natural person powers. The *Education Act* continues to place limitations on the ability of school boards to tax in that such taxation can only occur in accordance with a special school tax levy plebiscite and that it may not be for more than 3% of the board's annual budget.

Implications for school boards

One of the guiding principles behind the new Act was to make the legislation governing education in Alberta more enabling and less prescriptive. A key aspect of this was to grant school boards natural person powers. This change is intended to allow for greater flexibility and creativity for boards in how they conduct their business and fulfill their responsibilities under the *Education Act*.

Natural person powers are permissive in that they provide the general ability to school boards to conduct day-to-day business without express legislative authority, provided that business falls within the general responsibilities of boards described in section 33 of the Act and there are no other legislated limitations or restrictions.

Natural person powers are fundamental to increased local autonomy, community engagement, self-government, and responsiveness to student needs. It encourages school boards to be more innovative, particularly in terms of establishing collaborative partnerships with municipalities, business and industry, not-for-profits, and post-secondary institutions.



2. Right of access

[\(back to table of contents\)](#)

Legislative provisions

Section 3 of the *Education Act* states the following:

Right of Access

- 3 Every person
- (a) who at September 1 in a year is 6 years of age or older and younger than 21 years of age,
 - (b) who is a resident of Alberta, and
 - (c) who has a parent who is a resident of Canada, is entitled to have access in that school year to an education program in accordance with this Act.

Section 1(4) of the *Education Act* states the following:

Interpretation

- 1(4) For the purposes of this Act,
- (a) “resident of Alberta” means a person
 - (i) who is lawfully entitled to be or to remain in Canada, and
 - (ii) who is living and ordinarily present in Alberta, but does not include a tourist or visitor to Alberta;
 - (b) “resident of Canada” means a person
 - (i) who is lawfully entitled to be or to remain in Canada, and
 - (ii) who is living and ordinarily present in Canada, but does not include a tourist or visitor to Canada.

What has changed?

Under the *School Act*, a right of access to education was granted to students who were older than 6 years of age and younger than 19 years of age as of September 1. Section 3 of the *Education Act* raises the upper limit of the age of access to “younger than 21 years of age.” This means that a student who is 20 years old as of September 1 has a right of access to an education program. This is an increase of two years in the age of students who have a right to be provided with access to an education program, as compared to the *School Act*.

The *Education Act* also uses and defines the terms “resident of Alberta” and “resident of Canada” to determine which students have a right of access to education. This is a shift away from the use of terms such as “Canadian citizen” or “permanent or temporary residence” in the *School Act*; however the implications are similar. Under the *Education Act*, both the child and the parent must be “lawfully entitled to be or to remain in Canada” – this reflects that ultimately it is the federal, not provincial, government that determines who is entitled to enter and remain in Canada and under what status.

One other noteworthy change under section 3 of the *Education Act* is that in order to have a right of access to an education program, the student must be a resident of Alberta, but the parent is only required to be a resident of Canada. This means that a student may have a right of access to an education program, even if their parent lives in another province. This change is consistent with the policy shift under the *Education Act* whereby residency of the student – i.e. which school board is responsible for providing the student with an education program – is based on where the student lives, not where the parent lives (as is the case under the current *School Act*). This change is discussed in further detail below.

Implications for school boards

By raising the upper age limit of the right of access, the anticipated result is that students will have a longer period of time to complete their education programs and the high school completion rate will improve. It also means that school boards will be required to provide an education program to a greater number of students for a longer period of time. This means a potentially larger cohort of “older” students which will have implications for how boards organize and deliver high school programming in particular. Boards may also anticipate that they will likely need to deliver specialized supports and services to certain students for longer. This does not place any obligation on boards to deliver high school programming to a student that has completed a high school diploma but it does require boards to provide programming to a student that has left high school prior to completion and who seeks to return prior to turning 21.

In addition to this, changes to the *Alberta School Foundation Fund Regulation* under the *Education Act* indicate that students who are “less than 22 years of age” as of September 1 may be considered “eligible students” for funding purposes. This means that boards may receive provincial funding for students who are 21 years of age. Students are only entitled to access to an education program provided by a board up to the age of 21, but boards may provide it and receive provincial funding for students up to the age of 22.

By removing the specific references to Canadian citizenship and “permanent or temporary residence” and using the terminology of “lawfully entitled to be or to remain in Canada” to determine whether an individual is a resident of Alberta or Canada, the new Act provides less clear direction to school boards regarding which immigration statuses fall into this category, other than to be clear that tourists and visitors to Canada do not. In addition, the *Student Record Regulation* under the *Education Act* has also been revised to provide a more general description regarding the kinds of information that a school board must keep on the student record related to citizenship or immigration status. Under section 2(1)(i) of the new Regulation, boards must put on the student record “information or evidence related to the student’s entitlement to access an education program.” The implication of these changes is that school boards will need to determine for



themselves – perhaps in consultation with Alberta Education and Citizenship and Immigration Canada – what supporting documentation will be accepted or required in order to determine that an individual is a resident of Alberta and/or Canada for the purposes of establishing a student’s right of access to an education program.



3. Compulsory education

[\(back to table of contents\)](#)

Legislative provisions

Section 7 of the *Education Act* states the following:

Compulsory education

7(1) Every person who

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

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

...

Note: This Overview is intended to highlight key changes in the legislation only. To review the compulsory education provisions in the *Education Act* in their entirety go to: http://www.qp.alberta.ca/570.cfm?search_by=alpha&letter=E

What has changed?

Under the *School Act*, students were required to attend school until reaching the age of 16. This meant they could drop out of school at 16 years of age. Under the *Education Act*, students are now required to attend school until reaching the age of 17, unless the student completes high school requirements before that age.

Implications for school boards

This change is also intended to increase the high school completion rate by requiring students to stay in school until they are 17 years old. As with the increase in the age of the right of access, the increase in the age of compulsory education may result in some students, who may have otherwise dropped out at the age of 16, remaining in school longer.



4. Residency

[\(back to table of contents\)](#)

Legislative provisions

Section 4 of the *Education Act* states the following:

Resident student

- 4(1)** *Subject to this section, a student is a resident student of the board of the school division in which the student resides during the school year.*
- (2)** *Subject to this section, every student is a resident student of a board of a public school division.*
- (3)** *Where a separate school district is established, a student residing within the boundaries of the separate school district is a resident student of the board of the separate school division responsible for operating the separate school district if*
- (a) the student's parent, if the student has only one parent, declares that the parent is of the same faith as those who established that district, whether Protestant or Roman Catholic, or*
 - (b) the student's parents, if the student has two parents, declare that they are both of the same faith as those who established that district, whether Protestant or Roman Catholic.*
- (4)** *If a student referred to in subsection (3) has two parents, one of whom declares that that parent is of the same faith as those who established the separate school district, whether Protestant or Roman Catholic, and one of whom has not made such a declaration, the parents shall choose whether the student is a resident student of the board of the separate school division or of the public school division, and*
- (a) the student is a resident student of the board of the chosen school division,*
 - (b) the student shall attend the school the student is directed to attend by the board of the chosen school division in accordance with section 10, and*
 - (c) the board of either school division may require that the choice of the parents remain in effect during the school year in respect of which it is made.*
- ...
- (7)** *If the residence of a student changes after the commencement of a school year, the parent of the student shall designate the student to be a resident student of one of the following for the balance of that school year:*
- (a) the board of the school division in which the student resides after the change,*
 - (b) the board of the school division in which the student resided immediately before the change, or*

- (c) *the Government if the student*
 - (i) *resides in unorganized territory after the change, or*
 - (ii) *resided in unorganized territory immediately before the change.*

...

Note: This Overview is intended to highlight key changes in the legislation only. To review the residency provisions in the *Education Act* in their entirety go to: http://www.ap.alberta.ca/570.cfm?search_by=alpha&letter=E.

What has changed?

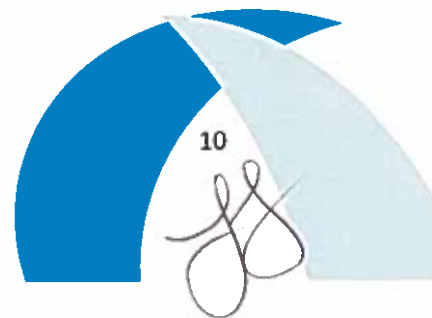
Under the *School Act*, a student was a resident student of the school district or division in which the student's parent resided. This meant that even if the student was not residing with their parent, the school board that was responsible to provide an education program to that student was the board of the district or division in which the parent lived.

Under the *Education Act*, it is now the residence of the student, during the school year, that will determine which board is responsible for providing that student with an education program. Where the student changes residence during the school year, section 4(7) of the *Education Act* requires that the parent of the student designate the resident board.

It is important to note that while the resident board is now determined by where the student lives, whether or not the student is a resident of the separate school division (as opposed to the public school division) is still determined by the faith of the student's parent (or parents). Therefore, it is possible that a student may be a resident student of a separate school division even though the parent does not reside within that school division, if the parent is of the separate school faith. It should also be noted that whether or not the parent is of the separate school faith is based on whether the parent(s) "declares" themselves to be of that faith.

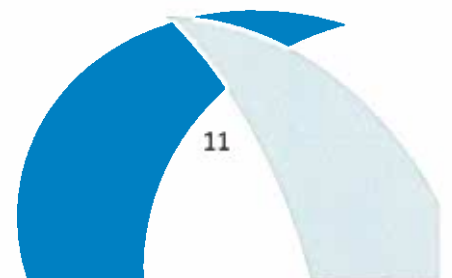
Implications for school boards

Determining residence based on the student's residence means that even a student whose parent(s) resides in another province has a right of access to an education program and is the resident student of an Alberta school board, provided that the student resides in Alberta. Those boards that currently accept and charge tuition for students who reside in Alberta but whose parents reside out of province will no longer be able to charge tuition for these students; however the board will receive funding from the provincial government for them. This may particularly affect those boards that operate specialized programs such as sports programs or programs with students with specific specialized needs that serve many "non-resident" students.



It will no longer be necessary to verify that the adult with whom the student is living is the student's legal guardian in order to determine residency (however, determining who is the legal guardian of the student will still be necessary to establish who has the right to make decisions, exercise rights, etc. as the student's parent).

This change may pose challenges for boards if the student is more mobile and moves between jurisdictions within the school year, although the Act continues to place the onus on the parent of the student (regardless of where the parent lives) to designate which board shall be the resident board of the student (either the board the student just moved from or the one that the student has moved to).



5. Early childhood services/Kindergarten age of entry

[\(back to table of contents\)](#)

Legislative provisions

Section 21 of the *Education Act* states the following:

Early childhood services programs

- 21(1)** *A board or, with the approval of the Minister, another person may provide an early childhood services program to a child who, as of September 1, is younger than 6 years of age, if the parent of the child requests it.*
- (2)** *A board may provide an early childhood services program to a student who, as of September 1, is younger than 7 years of age if the parent of the student and the board are of the opinion that the program will benefit the student.*
- (3)** *An early childhood services program provided by a board or a person under this section must be consistent with the goals and standards adopted or approved by the Minister under section 18(2)(b)*
- (4)** *Subject to the regulations, if a parent enrolls a child or a student in an early childhood services program, the board or other person that provides the early childhood services program may charge the parent fees in respect of the program.*
- (5)** *Unless otherwise stated, if a child referred to in subsection (1) attends a program under this section, the child is not, by reason of attending that program,*
(a) a resident student of the board, or
(b) entitled to any of the rights or benefits given to a student under this Act.
- (6)** *The Minister may make regulations respecting early childhood services programs.*

Section 42 of the *Education Act* states the following:

Appeal to board

42(1)...

- (2)** *Where a decision that significantly affects the education of a student or of a child enrolled in an early childhood services program operated by the board is made by an employee of the board or an employee authorized by the board under section 52(1) to make a decision,*
(a) a parent of the student or child, and



(b) *in the case of a student who is 16 years of age or older, either a parent of the student or the student, may appeal that decision to the board within a reasonable time from the date that the parent or student was informed of the decision.*

...

(emphasis added)

Section 43 of the *Education Act* states the following:

Request for review by the Minister

- 43(1)** *If a board makes a decision, on an appeal to it or otherwise, with respect to*
- (a) the provision of specialized supports and services to a student in accordance with section 11(4) or to a child enrolled in an early childhood services program,*
or
 - (b) the expulsion of a student, a parent of a student or child affected by the decision, and the student if the student is 16 years of age or older, may request in writing that the Minister review the decision.*

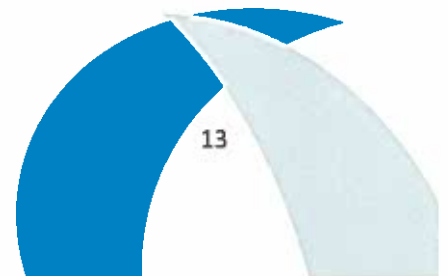
...

(emphasis added)

Section 56 of the *Education Act* states the following:

Student records

- 56(1)** *A board shall establish and maintain in accordance with the regulations a student record for*
- (a) each student enrolled in a school operated by the board, and*
 - (b) each child or student enrolled in an early childhood services program provided by the board.*
- (2)** *A person, other than a board, providing an early childhood services program to a child shall establish and maintain in accordance with the regulations a student record for each child enrolled in the early childhood services program.*
- (3)** *The following persons may review the student record maintained in respect of a student or a child enrolled in an early childhood services program:*
- (a) the student;*
 - (b) the student's parent, except where the student is an independent student;*
 - (c) the parent of a child enrolled in an early childhood services program.*



- (4) A person who is entitled to review a student record under subsection (3) may submit a request for a copy of the student record, along with any associated fee, to the board or a person other than the board providing an early childhood services program, and the board or the person other than the board providing the early childhood services program shall provide a copy of the student record to the person.
- (5) A person who provides information to a student record is exempt from any liability with respect to the provision of that information if that person, in providing the information,
- (a) acted in good faith,
 - (b) acted within the scope of that person's duties and responsibilities, and
 - (c) did not act in a negligent manner.
- (6) If, on reviewing a student record, a person who is entitled to review the student record is of the opinion that the student record contains inaccurate or incomplete information, that person may request that the board or the person other than the board providing an early childhood services program rectify the matter.
- (7) Where in accordance with the regulations a board or a person other than a board providing an early childhood services program is required to transfer a student record, the board or the person other than the board providing the early childhood services program shall do so in a timely manner.
- (8) The Minister may make regulations respecting student records for students and children referred to in subsections (1) and (2).

Key sections of the draft *Early Childhood Services Regulation* include the following:

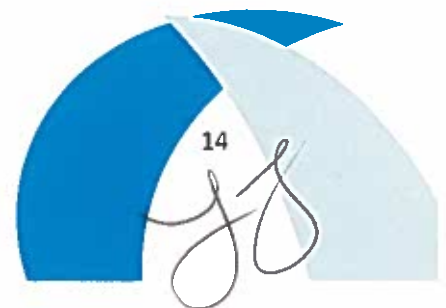
Definitions

- 1(b) "kindergarten" means an early childhood services program for the year of instruction prior to grade one provided to a child or student:

...

Kindergarten age of entry

- 2 Commencing in the 2018-2019 school year, for the purposes of entering kindergarten, a child must be at least 5 years old as of December 31 of the respective school year.



Records

6(1) *The operator of an early childhood services program must keep records of the following in a form acceptable to the Minister:*

- (a) each child's enrolment records;*
- (b) each child's attendance records;*
- (c) each child's legal name;*
- (d) each child's gender;*
- (e) the names of each child's parents;*
- (f) each child's birth date;*
- (g) the addresses and telephone numbers of each child's parents;*
- (h) each child's academic achievement information;*
- (i) academic support information in relation to each child;*
- (j) any other information required by the Minister.*

...

Note: This Overview is intended to highlight key changes in the legislation only. To review the ECS provisions in the *Education Act* in their entirety go to:

http://www.qp.alberta.ca/570.cfm?search_by=alpha&letter=E.

To review the *draft* ECS Regulation in its entirety go to:

<http://education.alberta.ca/department/policy/education-act.aspx>.

What has changed?

Overall, the sections in the *Education Act* governing the provision of early childhood services ("ECS") by a board remain similar to those under the current *School Act*. However, there have been some changes under the *Education Act* that grant ECS children and their parents greater rights than under the current legislation and that impose greater obligations on school boards when providing ECS programs.

While the provisions regarding ECS programs in section 21 of the *Education Act* look similar to section 30 of the current *School Act*, it should be noted that the requirement in section 21(3) of the Act that ECS programs must be consistent with the goals and standards adopted or approved by the Minister is actually a new requirement. This means that the Minister may adopt or approve specific goals and standards for ECS that must be complied with.

Under section 42 of the *Education Act*, parents of a child enrolled in an ECS program operated by a board may now appeal a decision of an employee of the board to the board where that decision significantly affects the education of that child. Under the *School Act*, parents of ECS children did not have a statutory right to request a board level appeal – only parents of students (i.e. Grade 1 or older) did. Similarly, under section 43 of *Education Act*, parents of child enrolled in an ECS program operated by a board that has been provided with specialized supports and services may now

request that the Minister review a decision of the board with respect to those specialized supports and services. Again, prior to this, parents of ECS children did not have a statutory right to request a Ministerial review of the special education program their child was receiving from a board.

The *Education Act* also places greater obligations on boards, charter schools, private schools, and private ECS operators to maintain and establish student records for ECS children. The required content of these records for ECS children is described in the Early Childhood Services Regulation (section 6 of the draft regulation) and it is less detailed than the requirements for “students” under the Student Record Regulation.

The draft Early Childhood Services Regulation also establishes a minimum age of entry for children entering “kindergarten” (defined under the regulation as any ECS program for the “year of instruction prior to grade one”). Under section 2 of the draft regulation, as of the 2018-2019 school year, children must be at least 5 years old on December 31 of the respective school year in order to enter kindergarten.

Implications for school boards

Overall, most of the changes related to ECS programs in the *Education Act* and the draft regulation may not significantly change the way school boards administer ECS programs. Most boards likely already maintain records for children enrolled in ECS programs that contain the requirements set out in the draft regulations. As well, most school boards likely already have policies or procedures in place that address the ECS policy requirements described in the draft regulation (e.g. field trip safety, registration processes, teacher growth, supervision, and evaluation, etc.). Most of these changes will have a greater impact on private schools and private ECS operators.

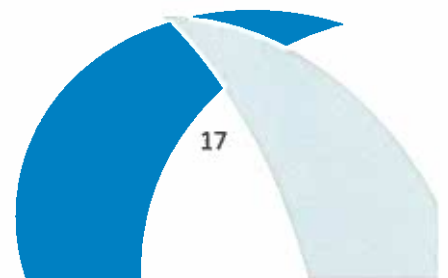
However, boards could see an increase in the number of appeals to the board as parents of ECS children now have the right to appeal decisions that significantly affect the education of their child to the board. Boards may need to review their policies and procedures regarding board level appeals to reflect this change. Further, boards should be aware that where they are providing specialized supports and services to an ECS child, this programming may be subject to a review by the Minister.

For some school boards, the requirement in the draft regulation stipulating that a child must be at least 5 years of age as of December 31 to have entry to kindergarten may not be a change from their current ECS admission policies. However, for other school boards that currently permit younger students to enrol in kindergarten, this requirement – which does not come into effect upon proclamation of the Act and regulation, but instead comes into effect for the 2018-2019 school year – may reflect a change. Boards should also review their Grade 1 entrance age requirements to ensure that they align with the change to the kindergarten age of entry.



The implications of this change may be borne more by some parents than boards, as it may mean that these parents have to delay registering their child for kindergarten for an additional school year. This will likely place an additional pressure on child care spaces for students too young to be enrolled in kindergarten.

Ultimately, for school boards, this change will mean a narrower age cohort of children in kindergarten (i.e. kindergarten children will be between the ages of 4 years 8 months and 6 years, rather than potentially 4 years 5 months and 6 years of age) and as this group of children progress up through the grades. The funding amount for boards for these students would not necessarily be any different as children are still only entitled to one of year of kindergarten funding prior to entering the system as students in grade one (unless there are developmental and educational reasons to provide an extra year of kindergarten to a particular child).



6. School divisions

[\(back to table of contents\)](#)

Legislative provisions

Section 260 of the *Education Act* states the following:

Transitional provisions

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

...

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

The _____ School Division.

(10.1) *A board of trustees of a school district, school division or regional division established or continued under the former Act is deemed to be a board of trustees of a school division established under this Act with a name in the following form:*

The Board of Trustees of _____ School Division.

Section 97 of the *Education Act* states the following:

Establishment of public school district

97(1) *The Minister may, by order, establish any portion of Alberta as a public school district.*

(2) *The order establishing a public school district must describe the boundaries of the district and give it a name in the following form:*

The _____ School District.

Sections 108 and 109 of the *Education Act* state the following:

Establishment of district

108 *Where the majority of the separate school electors who voted in accordance with section 104 voted in favour of the establishment of a separate school district, the Minister shall by order establish the separate school district with the same boundaries as those of the separate school establishment area.*

Effect of establishment

109(1) *The order establishing the separate school district must give it a name in the following form:*

The _____ Separate School District.



- (2) *The Minister shall add the established separate school district to the operating separate school division in accordance with section 114.*

...

Section 112 of the *Education Act* states the following:

Establishment of school division

- 112(1)** *The Minister may, by order, establish a school division consisting of any number of public school districts, separate school districts and school divisions established under this Act.*
- (2) *The Minister may only establish a school division consisting of both public school districts and separate school districts or both a public school division and a separate school division on the request of both the public school division and the separate school division.*
- (3) *A school division may be*
(a) *a public school division,*
(b) *a separate school division, or*
(c) *both a public and separate school division if the school division is established under subsection (2).*
- (4) *The order establishing a school division must give the school division a name in the following form:*
The _____ School Division.

Section 77 of the *Education Act* states the following:

Board establishment

- 77(1)** *For each public school division, the Minister shall by order establish a board, and the members of the board are a corporation with a name in the following form:*
The Board of Trustees of _____ School Division.
- (2) *For each separate school division, the Minister shall by order establish a board, and the members of the board are a corporation with a name in the following form:*
The Board of Trustees of _____ Separate School Division.

Section 79 of the *Education Act* states the following:

Change of name

- 79** *A board of trustees may, by resolution, change its corporate name to another name that is approved by the Minister.*

Section 116 of the *Education Act* states the following:

Alteration of name

116(1) *The Minister may by order alter the name of a school division.*

(2) *If a name is altered under subsection (1), the seal previously used by the board continues to be its seal until it is changed by the board.*

(3) *Any alteration in the name of a school division does not affect any obligations incurred, acts done or property acquired prior to the alteration.*

Note: This Overview is intended to highlight key changes in the legislation only. To review the school division establishment provisions in the *Education Act* in their entirety go to: http://www.ap.alberta.ca/570.cfm?search_by=alpha&letter=E..

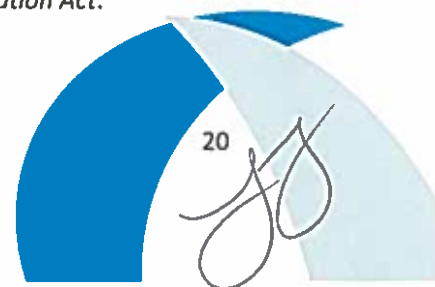
What has changed?

Under the *School Act*, there are currently several different types of school jurisdictions and a variety of different terms used to describe them. There are “school districts”, “school divisions”, “regional divisions”, “separate school regions”, “Regional authorities”, and “Regions” (the latter two referring to Francophone jurisdictions). These different entities reflect the historical evolution of school jurisdiction development in Alberta, including amalgamation and regionalization.

Changes to the *Education Act* are intended to simplify the terminology used to describe certain school jurisdictions. In accordance with the transitional provisions set out in section 260 of the *Education Act*, all “school districts”, “school divisions” or “regional divisions” established under the *School Act* will all become “school divisions” once the *Education Act* is proclaimed. This means that the physical, geographic entities of most school jurisdictions will be renamed “The _____ School Division”. Any associated “No.” that may have been part of the current name may no longer be part of the name of the school division. The governing/corporate bodies of all of these school divisions will be known as “The Board of Trustees of _____ School Division”.

The concept of “school district” (both public and separate) will continue to exist under the *Education Act* but only in reference to the smaller geographical units that, for example, may the form the basis of a separate school district establishment. When these public or separate school districts are established, they will be added to existing school divisions.

It should be noted that existing “Francophone education regions” will continue under the *Education Act* as the geographical area which a “Francophone regional authority” is responsible for (there will also continue to be public, separate, and “composite” Francophone education regions). Similarly, existing “Separate school regions” with a specific Board of Trustees of a separate school division responsible for providing services in the region shall continue under the *Education Act*.



Implications for school boards

As a result of these changes, many current school boards may see changes to the name of both the jurisdiction they are responsible for, as well as to the legal name of the corporate body (i.e. the Board of Trustees), once the *Education Act* comes into force. It is not clear at this time whether Alberta Education, who will be responsible for implementing these changes (likely through Ministerial Orders), will be working with school boards collaboratively to determine what the new name of the school jurisdiction will be. Any changes to the name of the school jurisdiction and/or the Board of Trustees will result in administrative work for the school board to update documents, materials, websites, etc.

Under sections 79 and 116 of the *Education Act*, it is possible for the name of either the school division or the corporate name of the Board of Trustees to be changed, but both of these actions require Ministerial approval. School boards may wish to initiate these discussions with Alberta Education prior to the new Act coming into force in order to be prepared for any changes.

7. School councils

[\(back to table of contents\)](#)

Legislative provisions

Section 55 of the *Education Act* states the following:

School council

- 55(1)** *For each school operated by a board, a school council must be established in accordance with the regulations.*
- (2)** *The majority of the members of a school council must be parents of students enrolled in the school.*
- (3)** *A board of a separate school division may by resolution require that the parents of students enrolled in a school operated by the board who are members of the school council declare themselves to be of the same faith as the electors of the separate school division, whether Protestant or Roman Catholic.*
- (4)** *A school council may, at its discretion,*
- (a) advise the principal and the board respecting any matter relating to the school,*
 - (b) perform any duty or function delegated to it by the board in accordance with the delegation,*
 - (c) consult with the principal so that the principal may ensure that students in the school have the opportunity to meet the standards of education set by the Minister,*
 - (d) consult with the principal so that the principal may ensure that the fiscal management of the school is in accordance with the requirements of the board and the superintendent, and*
 - (e) do anything it is authorized under the regulations to do.*
- (5)** *Subject to the regulations, a school council may establish and implement policies in the school that the school council considers necessary to carry out its functions.*
- (6)** *A school council may make bylaws governing its meetings and the conduct of its affairs.*
- (7)** *Subject to the regulations, a board may establish and implement policies respecting school councils.*
- (8)** *A board shall establish a dispute resolution process to address disputes between the principal and the school council with respect to policies proposed or adopted for a school.*

- (9) *The Minister, on the request of the board, may dissolve a school council without notice at any time if the Minister is of the opinion that the school council is not carrying out its responsibilities in accordance with this Act and the regulations.*
- (10) *Where a school council has been dissolved by the Minister pursuant to subsection (9), a school council must, in accordance with the regulations, be established after the start of the school year immediately following the year in which the school council was dissolved.*
- (11) *The Minister may make regulations*
- (a) *respecting the establishment of school councils, the election or appointment of the members of a school council, the term or other conditions of election or appointment and the dissolution of a school council;*
 - (b) *respecting the roles of the principal and the school council of a school and their respective powers, duties and responsibilities;*
 - (c) *respecting the re-establishment of school councils that have been dissolved by the Minister pursuant to subsection (9);*
 - (d) *respecting any other matter the Minister considers necessary respecting school councils;*
 - (e) *exempting a school or class of schools from the application of this section.*

Key sections of the draft *School Councils Regulation* include the following:

Establishment meeting

- 2(1) *If a school that is required to have a school council has no school council, the school must, within 40 days after the start of the school year, hold a meeting for the purpose of establishing a school council.*
- (2) *If there are fewer than 5 parents in attendance at an establishment meeting or if the meeting is not successful in establishing a school council, the principal may adjourn the meeting to a later date and establish an advisory committee to carry out one or more duties or functions of a school council in the interim until a school council is established.*
- (3) *Any advisory committee established under subsection (2) is dissolved on the establishment of a school council.*

...

School council membership

- 7(1) *A school council must include the following members:*
- (a) *the principal of the school;*

- (b) at least one person who is a teacher at the school, elected or appointed by the teachers at the school;
- (c) if the school includes a senior high school program, at least one person who is a student enrolled in the high school, elected or appointed by the students enrolled in the high school;
- (d) in accordance with section 55(2) of the Act, parents of students enrolled in the school;
- (e) if an early childhood services program is offered at the school, parents of children enrolled in the program.

...

Donations

13(1) A school council may receive donations on behalf of a board but no school council shall raise funds or otherwise solicit donations in any manner that would require a gaming licence under the Gaming and Liquor Act.

(2) A school council must handle and report all money it receives, if any, in accordance with applicable policies and procedures of the board.

Note: This Overview is intended to highlight key changes in the legislation only. To review the school council provisions in the *Education Act* in their entirety go to:

http://www.ap.alberta.ca/570.cfm?search_by=alpha&letter=E

To review the *draft* School Councils Regulation in its entirety go to:

<http://education.alberta.ca/department/policy/education-act.aspx>

What has changed?

Overall, the provisions in both the *Education Act* and the draft School Councils Regulation with respect to school councils are substantially the same as they are under the current *School Act*. However, there are some changes that school boards should note.

Section 55(8) of the *Education Act* indicates that boards shall establish a “dispute resolution process” to address disputes between the principal and the school council with respect to policies proposed or adopted for a school. This is slight modification of the wording under section 22(8) of the current *School Act* which referred to the requirement of boards to establish an “appeal process or conflict resolution procedure”. The change may be reflective of the more collaborative nature of the resolution of these issues, as opposed to what may be perceived as a more adversarial “appeal process”.

Another small change in the *Education Act* is the requirement in section 55(10) that where a school council is dissolved by the Minister, a new school council must be established the following school year.



The draft School Councils Regulation is also substantially similar to the current regulation made pursuant to the *School Act*. One overall change in the regulation that is reflective of a shift in the *Education Act* is the greater emphasis placed on including parents of children enrolled in ECS programs. With respect to school councils, the draft regulation:

- requires parents of children enrolled in an ECS program at a school to be included in the school council membership,
- permits persons at an establishment meeting of the school council to decide to include all parents of children enrolled in an ECS program at a school who wish to be members in its membership, and
- permits a parent of a child enrolled in an ECS program at the school to be the chair of the school council.

Another change in the draft regulation is that the school principal may now adjourn an establishment meeting for a school council, and it is clarified that an “advisory committee” established by the principal, where there is failure to establish a school council, is only temporary until a school council is properly established. Principals are also provided with greater flexibility in how the notice of an establishment meeting is given (it may be given by any means considered appropriate by the principal, including electronic means).

Lastly, a new section has been added to the draft regulation regarding donations which states that “a school council may receive donations on behalf of a board but no school council shall raise funds or otherwise solicit donations in any manner that would require a gaming licence under the *Gaming and Liquor Act*.” The provision goes on to state that “a school council must handle and report all money it receives, if any, in accordance with applicable policies and procedures of the board.”

Implications for school boards

As indicated above, overall the changes to the school council provisions in the Act and draft regulation are not substantive. However, the new provision in the draft regulation regarding the limitations on donations is unclear, particularly the phrase “a school council may receive donations on behalf of a board” and its practical application to matters such as the receipt, acceptance and use of donations as between the board and the school council. The provision also presumes that boards have policies and procedures for school councils for handling money. This may mean boards are required to develop such policies and procedures, if they have not already.

The ASBA and other stakeholders have provided feedback to the Minister of Education regarding the lack of clarity around this provision and it is hoped that this provision will be clarified once the School Councils Regulations is finalized prior to the proclamation of the Act.

8. Student records

[\(back to table of contents\)](#)

Legislative provisions

Section 56 of the *Education Act* states the following:

Student records

- 56(1)** *A board shall establish and maintain in accordance with the regulations a student record for*
- (a) each student enrolled in a school operated by the board, and*
 - (b) each child or student enrolled in an early childhood services program provided by the board.*
- (2)** *A person, other than a board, providing an early childhood services program to a child shall establish and maintain in accordance with the regulations a student record for each child enrolled in the early childhood services program.*
- (3)** *The following persons may review the student record maintained in respect of a student or a child enrolled in an early childhood services program:*
- (a) the student;*
 - (b) the student's parent, except where the student is an independent student;*
 - (c) the parent of a child enrolled in an early childhood services program.*
- (4)** *A person who is entitled to review a student record under subsection (3) may submit a request for a copy of the student record, along with any associated fee, to the board or a person other than the board providing an early childhood services program, and the board or the person other than the board providing the early childhood services program shall provide a copy of the student record to the person.*
- (5)** *A person who provides information to a student record is exempt from any liability with respect to the provision of that information if that person, in providing that information,*
- (a) acted in good faith,*
 - (b) acted within the scope of that person's duties and responsibilities, and*
 - (c) did not act in a negligent manner.*
- (6)** *If, on reviewing a student record, a person who is entitled to review the student record is of the opinion that the student record contains inaccurate or incomplete information, that person may request that the board or the person other than the board providing an early childhood services program rectify the matter.*

- (7) *Where in accordance with the regulations a board or a person other than a board providing an early childhood services program is required to transfer a student record, the board or the person other than the board providing the early childhood services program shall do so in a timely manner.*
- (8) *The Minister may make regulations respecting student records for students and children referred to in subsections (1) and (2).*

Key sections of the draft *Student Record Regulation* include the following:

Information included in student record

- 2(1)** *The student record of a student must contain all information affecting the decisions made about the education of the student that is collected or maintained by a board regardless of the manner in which it is maintained or stored, including:*
- ...
 - (f) *the gender of the student,*
 - ...
 - (i) *information or evidence related to the student's entitlement to access an education program in accordance with the Act,*
 - ...
 - (r) *information relating to the suspension of a student for more than one day or relating to the expulsion of a student or the student's rights pursuant to the Act,*
 - ...
- ...

Access to student record

- 6** *A board shall ensure that a student and the student's parent are informed of their entitlement under section 56 of the Act to review the student record of that student.*

Student transfer

- 8(1)** *If a student transfers from a school to another school in Alberta, the board to which the student transfers shall notify the board from which the student is transferring of the transfer, and on receiving the notice, the board of the school from which the student is transferring shall send the original student record containing the information referred to in section 2(1) and (3) to the school to which the student is transferring in a timely manner.*
- (2)** *If a student transfers to a school outside Alberta, the board from which the student transfers shall, on receipt of a written request from that school, send a copy of the student record containing the information referred to in section 2(1) and (3) to that school in a timely manner.*

Note: This Overview is intended to highlight key changes in the legislation only. To review the student record provisions in the *Education Act* in their entirety go to: http://www.qp.alberta.ca/570.cfm?search_by=alpha&letter=E
To review the *draft* Student Record Regulation in its entirety go to: <http://education.alberta.ca/department/policy/education-act.aspx>

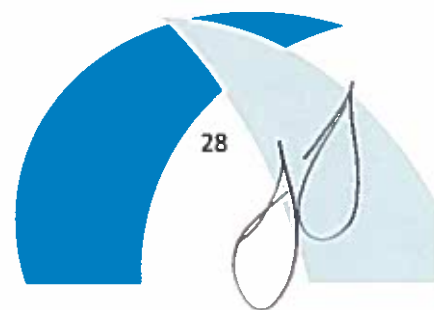
What has changed?

Overall, the provisions in both the *Education Act* and the draft Student Record Regulation with respect to student records are substantially the same as they are under the current *School Act*. However, there are some changes that school boards should note.

As indicated with respect to changes to ECS programs, boards are now required under the *Education Act* to maintain student records for children enrolled in ECS programs operated by the board. The content of the records that must be kept for ECS children are set out in the draft Early Childhood Services Regulation, not the Student Record Regulation.

With respect to the changes in the draft Student Record Regulation regarding the content of student records, some general streamlining changes were made to update the language of the existing regulation. Other changes include:

- Under the draft regulation, student records must include information regarding the “gender of the student”, instead of the “sex of the student” as described in the current Regulation. This change may be a reflection of societal attention to transgendered students and the recent case of *C.F. v. Alberta (Vital Statistics)*, where a person born male successfully argued that her birth certificate should reflect the gender she felt herself to be, which was female.
- The requirement in the current Regulation to include in the student record “the citizenship of the student and, if the student is not a Canadian citizen, the type of visa or other document pursuant to which the student is lawfully admitted to Canada for permanent or temporary residence, and the expiry date of that visa or other document” has been replaced with a more general description requiring “information or evidence related to the student’s entitlement to access an education program in accordance with the Act” to be kept on the student record.
- The requirement under the current Regulation to maintain information on the student record relating to suspensions (of more than one day) and expulsions for a minimum of one year and a maximum of 3 years following the date of the suspension/expulsion has been revised under the draft regulation to remove the time limitations on how long the information regarding suspensions and expulsions must be kept on the student record. This means that the information must be kept on the student record indefinitely, until the student record is disposed of or destroyed in accordance with section 5 of the draft regulation.



The provision in the draft regulation governing access to the student record has been modified to remove the reference under the current Regulation to “any other person who has access to the student under a separation agreement or an order of a court”. This reflects the language in section 56 of the *Education Act*, which sets out who may access the student record and does not actually change the right of access from what currently exists under the *School Act* – it simply clarifies it.

The provision in the draft Regulation regarding transferring student records when a student transfers schools has been modified from the current Regulation. The new provision sets out a new requirement that “the board to which the student transfers to shall notify the board from which the student is transferring of the transfer...” Furthermore, the student record from the original school must be transferred to the receiving school “in a timely manner”.

Implications for school boards

The more general requirement in the draft Regulation to include “information or evidence related to the student’s entitlement to access an education program in accordance with the Act” on the student record rather than specific citizenship or immigration information as set out in the current Regulation may empower school boards to make their own determination regarding what information is required. However, this could also create an additional administrative burden on school boards to determine what information is appropriate. Boards may need to create or revise policies/procedures to set out what type of “information or evidence” they would accept to determine a student’s entitlement to access an education program. As Alberta Education may have its own requirements regarding what documentation is necessary to establish eligibility for funding purposes, boards may wish to consult with Alberta Education for consistency.

The removal of the time limitation on maintaining information related to a student’s suspension or expulsion on the student record may result in an increase in appeals at the board level by parents and/or students for suspensions or expulsions, and to the Minister for expulsions, as these disciplinary actions will now be a “permanent” part of the student record (at least until the record is disposed of or destroyed). Further, on one hand, this may lead to some concern that this “permanence” may undermine a student’s ability to have a “fresh start” after a certain period of time. However, on the other hand, this change may be viewed as valuable in that it will give boards a clearer picture of a student’s disciplinary history if a student transfers into the jurisdiction midway through their education.

When a school board accepts a new student into their jurisdiction, the board should be aware of the new requirement under the draft Regulation to notify the transferring board that the student has transferred so that the student record can be transferred in a timely manner.

9. Appointment of First Nation trustees

[\(back to table of contents\)](#)

Legislative provisions

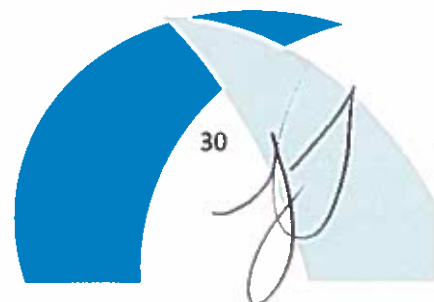
Section 84 of the *Education Act* states the following:

Appointment of First Nations trustee

- 84(1)** *Where a board has entered into one or more education services agreements pursuant to section 63,*
- (a) the board, by resolution, or*
 - (b) the Minister, at the request of the board or in consultation with the board and the band,*
- may appoint a trustee to represent First Nations students and parents on the board.*
- (2)** *A person appointed by the board or the Minister under subsection (1) is in the same position as the person would have been had the person been elected under any other provision of this Act.*
- (3)** *Notwithstanding subsection (2), where a trustee appointed under this section resigns or is disqualified under section 87, the board is not required to comply with the obligations set out in section 81.*
- (4)** *A person appointed by the board or the Minister under subsection (1) is in addition to the number of trustees specified by the Minister under section 78.*
- (5)** *The number of trustees appointed to a board under this section may not exceed 1/3 of the number of trustees specified by the Minister under section 78 for that board.*

What has changed?

Under section 62(3) of the *School Act*, it was contemplated that an education services agreement between a school board and a First Nations band or the federal government for the education of Indian students in a school operated by the board could allow for an individual representing that First Nation to sit as a trustee on the school board, with all the rights and obligations that go along with being a trustee. Under section 84 of the *Education Act*, a new provision has been added which allows for not only the board and the First Nation to agree to have a representative of the First Nation sit as a trustee on the board where an education services agreement exists between the board and the First Nation, but also allows for the Minister to appoint such a representative to the board, in consultation with the board and the band of the First Nation.



Under this new provision, an appointed First Nation trustee has the same rights and obligations as any other trustee, although there is no requirement to fill a vacancy left by an appointed trustee who has been disqualified or resigned. The appointed trustee is in addition to the number of trustees determined for the board and the number of appointed trustees may not exceed 1/3 of the number of trustees determined for the board (i.e. if a board has six trustees, the appointed First Nation trustee may be a seventh trustee, but there may never be more than two appointed First Nation trustees).

Implications for school boards

This provision in the *Education Act* will help to ensure that all communities that have students attending schools operated by school boards have the opportunity to be represented and have their voices heard within the governing body of the board (individuals from First Nations outside of the school board's jurisdiction are not eligible to run or to vote for elected trustees for the school board). While the provision in the *Education Act* only allows for the Minister to appoint a trustee to represent a First Nation in consultation with or at the request of the board, school boards should be mindful that "consultation" is not consent, meaning that the Minister is not required to have the board's consent prior to appointing a trustee under this provision. A school board's ability to demonstrate that effective and meaningful engagement has been undertaken with the communities and band council representing the First Nation – which could include agreeing to an appointed trustee under the terms of the education services agreement with the First Nation – may make it less likely that a Ministerial appointment would be necessary.

10. Education services agreements for First Nation students

[\(back to table of contents\)](#)

Legislative provisions

Section 63 of the *Education Act* states the following:

Education services agreements for First Nation students

63(1) *In this section, “Indian” means Indian as defined in the Indian Act (Canada).*

(2) *The Minister may, by order, establish requirements or standards that apply to education services agreements between a board and*

(a) the Government of Canada or an agent of the Government of Canada, or

(b) a council of a band as defined in the Indian Act (Canada) or a person

authorized by the council of a band,

for the education of Indian children.

(3) *Where a board enters into an agreement with respect to the education of Indian children pursuant to subsection (1), the agreement must meet the requirements or standards established by the Minister.*

(4) *The Regulations Act does not apply to an order made under subsection (2).*

What has changed?

Under the *School Act*, boards could enter into agreements with the federal government or a band council for the education of students living on reserves that are not resident students of the board (i.e. “Indian” children). The terms of these agreements were determined between the parties to the agreement alone and a wide variety of “tuition agreements” existed across the province – some were little more than financial agreements, others contained more substantive commitments from the parties.

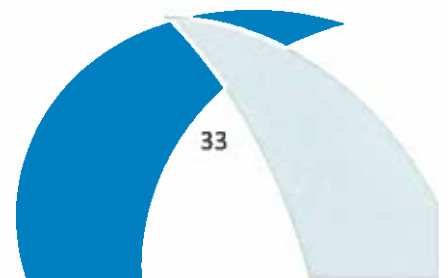
This new provision of the *Education Act* permits the Minister to set “requirements or standards” that apply to these agreements and in accordance with section 63(3) of the Act, the agreement must meet these requirements in order for boards to enter into them. Boards should note that the requirement for “prior approval of the Minister” for these agreements that exists under the current *School Act* no longer exists under the *Education Act*; however compliance with any requirements or standards established by the Minister is necessary.



Implications for school boards

In February 2015, Alberta Education circulated draft Standards for Education Services Agreements for discussion and feedback from school boards. Alberta Education has indicated that discussions with representatives from Treaty 6, 7, and 8, as well as the Government of Canada (Aboriginal Affairs and Northern Development Canada) are ongoing regarding the proposed standards. It is not clear at this time to what extent the proposed standards may change or be amended or what the timelines are for the implementation of the standards.

Of note for school boards, however, is that in its “Q & A: Standards for Education Services Agreements”, Alberta Education has indicated that it is expected that the standards will come into effect September 2016 (one year after the anticipated proclamation date of the *Education Act*) and that prior to that date, “school boards and First Nations may wish to use the standards as a guide when renewing existing agreements or negotiating new agreements. It is anticipated that ESAs will be brought into compliance with the standards by September 2016.” This statement implies that school boards will be required to renew or renegotiate all existing education services agreements with First Nations or the federal government in order for the agreements to comply with the draft standards prior to September 2016. This may be a substantial and potentially onerous process for many school boards, particularly those boards that have multiple education services agreements currently in place.

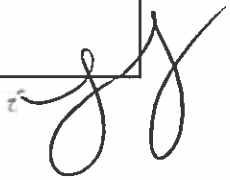


Key Change

Key Implications

Board Response

<p>Natural Person Powers</p> <ul style="list-style-type: none">• School Boards are granted "Natural Person Powers" to exercise any power that a "natural person" may exercise regardless of whether it is expressly granted under the act.• This will allow School Boards to enter into contracts or agreements, buy and sell property, etc.	<ul style="list-style-type: none">• Increased local autonomy, community engagement, self government, and responsiveness to student needs.• Encourages Boards to be innovative, particularly in terms of establishing collaborative partnerships with municipalities, business and industry, not-for-profits, and post-secondary institutions.	<ul style="list-style-type: none">• This is a positive change to ensure decisions can be made locally without "jumping through the hoops".• Level playing field with other municipalities/elected officials.• Regulations should be clear and followed to ensure decisions are appropriate. Processes should be clearly laid out.•
<p>Right of Access</p> <ul style="list-style-type: none">• Raises the upper limit of age of access to students "younger than 21 years of age on September 1" from the current 19 years of age.	<ul style="list-style-type: none">• Implication is that a longer period of time to complete their programming will increase high school completion rates.• School Boards will need to be able to provide an education program for greater number of students for a longer period of time.• Current differentiated instruction practices for high school will need to be expanded to incorporate and "older" demographic.• Base funding changes will be made to consider an eligible student if they are less than 22 years of age as at September 1.• Removal of the specific references	<ul style="list-style-type: none">• Concern with Inclusion and costs for providing services/support to high needs students well beyond our current funding profile.• We have done some projecting of costs based on current profile. We project additional EA costs (25% of Tier 4 students going until 21) around \$7 million. Additional costs would come from transportation, assessments, Social Worker time. If right of access increases funding for our most diverse students must increase proportionately.• Residency changes could also impact this since our district provides excellent



Key Change	Key Implications	Board Response
	<p>in the funding manual to Canadian citizenship and "permanent or temporary residence" to "lawfully entitled to be or to remain in Canada" makes the determination of whether an individual qualifies for funding more difficult.</p> <ul style="list-style-type: none"> The description for funding purposes of "information or evidence related to the student's entitlement to access an education program" is nebulous. It will mean that Boards will need to determine what this evidence is and hope that Alberta Education agrees. 	<p>support/programming for our diverse learners. Residency as determined by the student's residence, as compared to the parent/guardian, could result in many new students.</p> <ul style="list-style-type: none">
<p>Compulsory Education</p> <ul style="list-style-type: none"> Compulsory age of attendance is raised by one year to students younger than 17 years of age who have not attained high school completion. 	<ul style="list-style-type: none"> Some students could be in schools longer. 	<ul style="list-style-type: none"> This is a positive step to enhance high school completion. New attendance board might assist with ensuring students are tracked and attend. Government must continue to support off-campus/RAP/work readiness/CTS programs.
<p>Residency</p> <ul style="list-style-type: none"> A change will be made from "the residence of the parent" to "the residence of the student" that will determine which Board is 	<ul style="list-style-type: none"> Implications are likely restricted to those Boards that operate a specialized program that accepts "non-resident" students. Boards would charge a non resident student fee for these students in the past but would 	<ul style="list-style-type: none"> Consent and legal implications around parents not signing off/being aware of their child's activities (ie. field trip) due to student living away from parents. Increased costs for diverse students. Wolf Creek has a strong

Key Change**Key Implications****Board Response**

<p>responsible for providing the student with an education.</p> <p>Early childhood services/Kindergarten age of entry/Full day</p> <ul style="list-style-type: none"> Remains similar but there are changes that grant ECS children and their parents greater rights than under the current legislation and impose greater obligations on school boards when providing ECS programs. The program must be consistent with goals or standards that the Minister provides. Parent of a child enrolled in an ECS program may now appeal a decision of an employee of the Board to the Board where the decision significantly impacts the education of that child. Greater emphasis to establish student records. Student must be at least 5 years old on December 31 	<p>receive government funding under the change.</p> <ul style="list-style-type: none"> Boards will be required to accept students that perhaps wouldn't have come due to high costs of non resident student fee. Likely will not change the way most School Boards administer ECS programs Potential increase to the numbers of appeals to the Board as parents would have that right. ECS programming may be subject to review by the Minister. Full day programs may accentuate space issues in some schools 	<p>reputation as providing excellent service/programming. If students are able to determine residency and access a program in a school the district might see increased costs.</p> <ul style="list-style-type: none"> Having a standard age of entry is a good step to achieve a consistent level of programming. Is the appeal provision related to retention of a student? Full time kindergarten vs. half-time. Limited flexibility for the parent in making a decision around appropriateness of a full time program. Transporting a 5 year old with extended riding times is a concern. Is it in the best interest of the student to attend a full time program?
---	---	--

Key Change	Key Implications	Board Response
------------	------------------	----------------


<p>School Divisions</p> <ul style="list-style-type: none"> Names will be changed to simply "The Wolf Creek School Division" with the No.72 being dropped. 	<ul style="list-style-type: none"> Any changes to name of the school jurisdiction and/or the Board of Trustees will result in administrative work for the school board to update documents, materials, websites, etc. Ministerial Order is required for these changes 	<ul style="list-style-type: none"> Not an issue for us. It makes sense.
<p>School Councils</p> <ul style="list-style-type: none"> Substantially the same Boards will establish a disputes resolution process to address disputes between principal and the school council with respect to policies proposed or adopted for a school. When a school council is dissolved in one year a new school council must be established in the following school year. Greater emphasis on parents of children enrolled in ECS "School council may receive donations on behalf of a board but no school council shall raise funds or otherwise solicit donations in any manner that would require a gaming license" 	<ul style="list-style-type: none"> The logistics of providing donation receipts if received by school councils as well as ensuring that they are utilized properly. Procedures that specifically address School Councils handling of funds. 	<ul style="list-style-type: none"> Having a process to resolve a school concern at the district or board level is a reasonable new step. What does "greater emphasis" relate to for ECS parents? Need to tighten up language here. Having donations going directly to the School Council and not through DO is a concern if the district monitoring and auditing process are bypassed.

Key Change

Key Implications

Board Response

<p>Student Records</p> <ul style="list-style-type: none">• Substantially the same• ECS records management is incorporated• "Gender of the student" instead of "sex of the student" is substituted.• "Information or evidence related to student's entitlement to access to education program" rather than "the citizenship of the student and, if the student is not a Canadian citizen, the type of visa or other document that indicates lawful admittance"• Student expulsion and suspension records must be maintained for the same length of time as the student record itself.	<ul style="list-style-type: none">• Information or evidence related to student entitlement is not clear•	<ul style="list-style-type: none">• What will be accepted in relation to evidence/documentation that clearly indicates if the student has a right to education in our district.
<p>Appointment of First Nations Trustee to represent the students and parent of the bands</p> <ul style="list-style-type: none">• Board member required where there is an Educational Services Agreement• The minister would appoint this representative	<ul style="list-style-type: none">• Representation by first nations• Additional costs•	<ul style="list-style-type: none">• The due process of election should be followed as compared to the minister appointing.• Other special interest representation is possible if this is provided to a First Nations Trustee.• The "First Nation" reference is limited to one group of citizens as compared to Metis or Inuit citizens.• Who will this representative be



Key Change	Key Implications	Board Response
<p>Education Services Agreements for First Nation Students</p> <ul style="list-style-type: none"> • Agreements must set "requirements or standards" that apply to these agreements 	<ul style="list-style-type: none"> • Draft standard has been circulated. • Not clear at this point. 	<p>accountable to? The Minister, the Board, a constituency?</p> <ul style="list-style-type: none"> • This is a positive step to ensure a consistent approach/less paperwork/lawyer costs. • Also creates parity around payment/allocating resources.