

PUBLIC SCHOOL BOARDS' ASSOCIATION OF ALBERTA

*We Champion Public Schools*

## *What no one else says*

A Report to the Learning Commission    December 3, 2002

**Some visionary educators are coming to believe that  
the most important school reform  
has less to do with curriculum than with community –  
with strengthening the  
invisible web that connects the school and its children  
to parents and other adults in the surrounding  
community....**

**Community – particularly ongoing and positive  
relationships among adults and children – is the most  
basic missing element in education today.”**

**Childhood’s Future. Richard Louv. 1990  
Anchor Books. New York. P.333**

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## PROLOGUE

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**First, let us tell you a story - a true story. *Once upon a time...***

*...on a bitterly cold January evening in 1881 some of the residents  
of the hamlet of Edmonton, in the Northwest Territories, met in the tavern  
of Donald Ross’ hotel, to talk about an important community issue.*

*By the end of the evening they had decided that they would establish a “free school”...what we know today as a public school. It would be open to every child, including specifically Indian children, without tuition or other cost for the child or the parents of the child.*

*The group in the tavern also elected trustees and decided that they would identify the amount of a financial contribution that should be made by every landowner in the environs of the hamlet. They posted the list, the “subscription list”, throughout the community. Landowners were advised to come to the Ross Hotel and pay their subscription to the hotelier.*

*The one-room school was built a few months later, a teacher was hired, and classes commenced.*

*Two inspiring realizations come from the story.*

*The first is the priority our forefathers attached to public schooling. The first free school in what is now Alberta was established before the community committed itself to a hospital or any other social institution.*

*The second is that this local initiative occurred before the territorial government had endorsed public schooling, let alone put any infrastructure in place to regulate or support public schooling.*

*The people of the hamlet of Edmonton established a public school, and elected trustees, and submitted to an informal local property tax before the Territorial Government had a Commissioner of Instruction, or a Schools Ordinance (Act), or a Tax Ordinance. Trustees were elected before any law acknowledged trustees, and property taxes were collected before any law legitimated property taxes.*

*The story is instructive for what it tells us about the importance of public schooling and the willingness to make a local effort; about the value of community, and about the follower-ship of the territorial government.*

*The story is instructional for what it tells us about “which came first, the chicken or the egg.”*

*Locality and community came before constitutional government and formality.*

## OPENING REMARKS

### THE STORY CONTINUES

The Public School Boards’ Association of Alberta welcomes the Government’s decision to establish the Provincial Commission on Learning. We appreciate the willingness of the Commissioners to serve.

Public school education is vitally important to the wellbeing of all Albertans, individually and as a community.

The appointment of the Commission is timely, because of the changes occurring within the education system and in the community, the impact of these changes, and the prediction of more changes to come, with even greater impact.

Our members and many other Albertans who are public school supporters operate in the context provided by important principles we all know and share.

In our submission we will concentrate on some important public policy consequences of these principles...*what no one else says*.

Your Commission's recommendations to the Provincial Government should focus on public policy that would make the most of these consequences.

## **CONTEXT OF THIS SUBMISSION**

We have had the opportunity to read or consider reports about many of the submissions already made to the Commission.

We note the frequency with which inadequacy of funding is argued. We note the deadening impact of:

- too great a degree of centralized prescription, evaluation and assessment
- misdirected accountability
- “falling between the cracks” on children and families in too many cases

The fact remains: Alberta has one of the best education systems in the world.

We are convinced that this is true, in very large measure, because of the herculean efforts of people who care – the students themselves, teachers, principals and support staff, parents, trustees, and many community resources.

We are very concerned that, as a community, we are nearing the end of a curve of energy that was ignited and fuelled in years gone by and is not being fuelled adequately now for the future. Unfortunately, whether or not our assessment is correct will not be known for another 10 or 15 years.

In the meantime, our proposition to the Commission is that the best way to make the most of what we have is to ground everything we value in the local community. Affirm the local community; strengthen the local community; put its main political characteristics beyond the reach of threat by any future government.

Our future lies with our communities just as surely as it lies with our children.

## **OUR PSBAA VALUES**

### PUBLIC EDUCATION FIRST

We value public school education more highly than other forms of education. (page )

We believe that the community – and the provincial government -- has the right to:

- place a higher value on public school education than on other forms of education
- prioritize the allocation of resources
- limit support for other forms of educational organization. (page 14)

## OUR RECOMMENDATIONS – AN OVERVIEW

### LOCAL GOVERNMENT CHARTER

We **recommend** the Government amend the Alberta Act, 1905 to include a “Local Government Charter.” (page 17) and adopt the convention that amendments to the Alberta Act be endorsed by Albertans in a referendum. (page 18)

In respect of either municipal government or public school government, we **recommend** that residents of the jurisdiction should decide about changing the boundaries, consolidating jurisdictions, and related questions. (page 18)

### “METROPOLITAN SCHOOL BOARD” STATUS

We **recommend** the Government implement a new Part in the School Act to deal specifically with large urban public school jurisdictions (for example, those with an enrollment of more than 50,000 students). (page 19)

In exchange for more freedom, these metropolitan jurisdictions would be expected to exercise responsibilities not required of other boards, i.e. related to evaluation and student assessment, professional development, eg. (page 19)

### ALTERNATIVE TO PROVINCIAL BARGAINING

As an alternative to provincial bargaining, we **recommend** that bargaining certificates be vested with the local of the Alberta Teachers Association, rather than with the provincial head office of the Association. (page 19)

### LINES OF ACCOUNTABILITY

We **recommend** that trustees be primarily accountable to their electorate, not to the provincial government, in the same way Members of the Legislative Assembly are accountable, that is, to the electorate on election day. (page 19)

The superintendent, all principals and all teachers should be accountable only to the Board of Trustees, and not simultaneously accountable to the Minister. (page 20)

We **recommend** the Government be urged to keep its commitments. At the same time, school jurisdictions should have the capacity to accumulate a modest surplus from year to year, as insurance against unforeseen circumstances. (page 20)

## CLARIFICATION OF RIGHTS

We **recommend** the Government ensure that the rights of the majority and of public school jurisdictions are respected and safeguarded. In this context “separate school rights” must be interpreted, properly, to include the right to reject the formation/expansion of separate school education. (page 20)

We **recommend** that members of the minority faith have the right to choose to be supporters of the public school system, notwithstanding their faith, and that the Constitution be amended to assure this right (page 21)

We **recommend** the Government build schools for either the public school system or the separate school system in new and growing areas depending upon the current and projected demographics in the affected area only. It is not appropriate, and there is no justification, to build a school for the minority before building a school for the majority of the students in an area. (page 21)

We **recommend** the Government adopt the policy that only students whose parents are of the minority faith, where a separate school system operates, may enroll in the separate school system. (page 22)

## LEVEL PLAYING FIELD

We **recommend** the Government review every funding program and formula, with the intention that factors that have the effect of discriminating against public school jurisdictions be eliminated. (page 21)

## PUBLIC SCHOOL MANDATE

We **recommend** the Government express its mandate to public school boards in a cohesive, comprehensive, and public way, following extensive consultation with public school boards across the province. (page 22)

The Provincial Government should:

- acknowledge the local mandate for public schools; and
- ensure, since it is now the only funding provider for the system, that locally elected school boards have the funds to achieve the local mandate as well as the provincial mandate. (page 23)

## INCREASED FUNDING

We **recommend** the Government immediately increase the base (unrestricted) funding for K – 12 education in the public and separate school systems by 7% (approximately \$240 Million, *per annum*). (page 24)

## MEASURING LOCAL EFFORT

We **recommend** the Government find a way of measuring local effort. (page 25)

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**A Word about Words and Meanings**

Throughout this submission the authors have used some words and phrases which are key to understanding our perspective and recommendations.

Readers are asked to refer to the Glossary in Appendix A.

## **IV. Background**

It was widespread strikes by teachers in the spring of 2002, and the threat of more strikes in many jurisdictions across the province, that led to the establishment of this Commission.

The strikes themselves were being justified by teachers and others in terms of concern for deteriorating classroom and systemic conditions within Alberta's public and separate school system.

Given the genesis of the Commission it is appropriate to review three of the longstanding position statements of this Association.

**IV.** We value our teachers and all our other employees who work with or for students. Whenever our employees have issues, the issues need to be addressed in an open, fair, and constructive way. For this reason as well as for others we appreciate the government's decision to establish the Commission.

**IV.** We believe that one essential purpose for organizing school systems is to provide an enhanced opportunity for people to lead significant lives by doing work that is important. All the people working in the public school system are doing work significant to each child, significant to our goal of high quality public education for all, and significant to the community as a whole. We welcome input from every source about how to sharpen the focus on the significant work and reduce the activity that is not significant.

**IV.** Any discussion about classroom and systemic conditions almost always leads to the contention that base funding for K – 12 education in Alberta is inadequate, and this Association, as well as others, has made that argument.

Behind the recent strikes, in the period stretching back to the spring of 1994, the provincial government had made policy decisions and implemented structural changes that resulted in:

- V. fewer and therefore larger school jurisdictions, often with less common interest to maintain a sense of cohesion;
- VI. the elimination of locally assessed property taxes to fund part of the costs of schooling;
- VII. tighter provincial government controls on local decision-making;
- VIII. increased attention to provincial goals and priorities, and a corresponding reduced capacity for locally elected school boards to respond to local conditions and expectations;
- IX. dual accountability obligations – to the Minister and to the local school board – for school superintendents, principals, and teachers ; and,
- X. fragmentation of resources and effort.

Separate from these changes but closely associated with them has been one other profound change in provincial government thinking.

For more than 100 years locally elected trustees have been thought of as the agent of the local community to deal with the provincial government on matters related to public (or separate) school education. In recent years the attitude of the provincial government has been that trustees should be the agents of the provincial government to deal with the people of the local community.

One level above these changes, we have experienced a myriad of additional changes, almost equally important.

There has been a reduction in the number and variety of courses available to students in many elementary and junior high schools. Where there has been no reduction in the number of courses available (for example, in some high schools), there has been a shift in emphasis so that students are encouraged to concentrate on a smaller and tighter cluster of courses.

There has been a reduction in the number and variety of support staff commonly available to work with students in schools. There has been an increased emphasis on the involvement of parents and community as fund raisers for schools, and an increase in the number and variety and total revenue derived from various fees levied on students.

There has been increased direct control by the provincial government, including more detailed curriculum parameters, and more provincially mandated testing. The Provincial Achievement Tests are being used for purposes that were never part of the original design parameters for the tests.

The Government is encouraging participation in multi-national benchmarking examinations. Recently the Minister has suggested that the provincial government would make decisions about the expansion/ generalization of successful local innovations (the Alberta Initiative for School Improvement.).

As the government has exercised more centralized control of schooling and other local concerns (child and family services, for example), the important role of the school in the life of the community has been reduced. The community perspective becomes less apparent as the provincial perspective becomes increasingly dominant.

All of these things, and more, have happened and are happening. The question remains, *“What impact are they having on public school education in Alberta?”*

What do we want, and why? What decisions and commitments and actions bring us closer to our goals, or take us further away from them?

## **IV. Principles and Important Consequences**

### **Principle 1**

**Public school education is inclusive – by design and as a matter of conviction.**

#### *Consequences*

*Public school jurisdictions are the first provider of education in every community and neighbourhood. Public school education, being inclusive, must be available to every child, no matter where the child lives and no matter what the circumstances of the child.*

*Providing public school education is necessarily more complex (and expensive) than providing any other form of education (separate schools, private schools, charter schools, home schooling, etc.) The electoral aspect of the government of the public school system enfranchises every parent and every other person who is part of the community.*

*The allocation of resources must be based on the proposition that, where there are limited resources, or where time is an issue, it is not discrimination to serve first the institutions which are inclusive and only serve exclusive institutions when the needs of inclusive institutions have been met.*

### **Principle 2**

**Public school education is the first model of civil democracy.**

#### *Consequences*

*Public school education must be provided in a way that demonstrates all of the vital characteristics of democracy, and it must operate on a human scale. It must, for example, include locally elected trustees who are primarily accountable to the local community, both in order to demonstrate representative government and in order to ensure that the elected representative is always close to the citizens and the community.*

*The Alberta Act, 1905 should be amended to include a local government charter, for both municipal governments and public school boards. The charter should assure that local government will always be led by locally elected representatives.*

*An effective local government charter will ensure that no unit of local government is eliminated by the provincial government without, and that the*

*boundaries of local government will only be changed with, the consent of the people within the boundaries.*

### **Principle 3**

**Citizens are sovereign.** Their sovereignty is more certain, and the quality of decisions and relationships are better the closer they are “to home”.

**Governments are servant institutions** and the more remote the servant is from the master the more important it is for the servant to be circumspect.

Accountability is more meaningful the more direct it is: accounting “up” before accounting “down” is not only unsatisfying; it is misplaced.

**Governments do not empower people: people empower governments.**

#### *Consequences*

*Public school jurisdictions must have reasonable local autonomy and they must be accountable primarily to their local electors, according to such forms and standards as the local electors decide.*

*Provincial government policy, laws, and programs should be designed and operated with the expectation that the local community, its elected leaders, its executive staff, and all its employees:*

- XI. are honest*
- XII. have integrity*
- XIII. are well-informed and skilled*
- XIV. imagine, reflect, decide, and act on the basis of worthy motives, good conscience, constant attention, and prudence.*

*Local government should have a mandate, from the province, that is not exclusive, and resources that cannot be changed, by the provincial government, without sufficient notice, or unilaterally.*

*Local government has an equally important mandate from its community, and this must be acknowledged, respected and supported by the provincial government. Local government should have sole control of its employees.*

*Local government should have the authority to make and implement decisions consistent with the mandate from the Province of Alberta and significant to the local community.*

*Local government should have access to some financial resources which are determined locally and which are available to the local government without conditions imposed by the provincial government.*

## Principle 4

**Cooperation and integration are the basis for good public policy, program, and funding decisions.** (Fragmentation is contrary to all community development practices and contrary to the provincial government's stated intentions.)

### *Consequences*

*The Provincial Government should explicitly recognize that the mandate of any public school board includes elements that are generated locally and are just as legitimate and important as are provincially generated elements of the mandate.*

*The Provincial Government should ensure that adequate funding is available for the attainment of the local component of the school board's mandate.*

*In the last ten to fifteen years there has been a proliferation of local agents of the Provincial Government, including Regional Health Authorities, Child and Family Services Authorities, quasi-autonomous infra-structure service agencies, etc. At the same time the Provincial Government has extended its intervention in processes that were formerly purely local – certain aspects of the planning process come to mind.*

*There has been a consequential fragmentation of local capacity to respond in a comprehensive way to situations for which a comprehensive local response is best. The Provincial Government should concentrate on ensuring that local municipal and public school government has the capacity to participate in comprehensive problem-solving and service delivery. There should be no more creation of fragmentary local administrations masquerading as government.*

## Principle 5

**Separate school education is a constitutional right for local Protestant or Roman Catholic minority faith communities** (although not for individual members of the minority faith). This Association acknowledges and respects the constitutional nature of these rights: they are the embodiment of a political agreement that was essential to the creation of the nation more than 135 years ago.

## IV. Beliefs and Values

### Belief 1

**The Public School Boards' Association of Alberta believes that public school education is valuable and attractive, and unique among all forms of K – 12 education available in the province, for two reasons.**

**IV. Public school education is inclusive, as a matter of conviction and design.** It is inclusive from the classroom to the Board room to the voting booth. (Separate schools, private schools, charter schools, and home schooling are all organized to be exclusive. We believe that exclusive forms of education are very problematic in a democratic community.)

We believe in, and we pursue, inclusive education. Any public school system that deserves the title will provide an inclusive education, based on the profound conviction that an inclusive system provides the best venue and means of educating every child and ensuring the enduring strength of the community.

**IV. Public school education is designed and operated to be the first model of civil democracy that citizens experience**

**V. First** because it is experienced in childhood, and is a principal means by which we are drawn into an understanding of our community.

**VI. First** because it is the aspect of government which, along with municipal government, is closest to us on a daily basis.

**VII. First** because it represents the practice of democracy that draws us together, rather than the procedures of democracy which push us apart.

**VIII. First** because the public school system deals with that which is most precious to us as parents and as a community, our children, our posterity.

Separate schools are certainly civil institutions according to the Constitution but the declared fundamental value of separate schools is the formation of a faith community and a sense of order predicated on tenets of faith rather than on the tenets of civil democracy. Private schools, charter schools, and home schooling are organized to be exclusive, and in preferring exclusivity

they cannot model civil democracy. Other forms of education express a preference for separate but equal development.

## **Belief 2**

### **We value public school education more highly than other forms of education.**

We believe that the community – and the provincial government – has the right to place a higher value on public school education than on other forms of education, including the right to prioritize the allocation of resources and the right to limit support for other forms of educational organization.

#### **IV. The Argument for Inclusive Education**

The Public School Boards' Association of Alberta believes that an inclusive education is usually the best education a student can receive. We also believe that an inclusive education will ultimately **contribute most to the wellbeing** of the community.

We believe that education should be inclusive from the classroom to the board room to the voting booth.

We acknowledge the value, in some cases, of school programs that draw some students out of the regular classroom. English as a second language, special needs, alternate languages of instruction, commitment to alternate pedagogies, and faith based alternatives are all examples.

Even so, we prefer that these alternatives be offered under the umbrella of a (unified) public school system. Our ideal is that all children would be educated within a single system, owned by the whole community, which feels a sense of equal responsibility for every child.

We imagine that it is hard to teach the virtue of inclusiveness – and this is a foundation of democracy – in a school system which is designed and operated to be exclusive.

In addition to the educational value, we also believe that there are **organizational and operational benefits** to an inclusive education. We prefer that all teachers in a community engage in common professional development and union activity. We believe that in each community only one system of infrastructure is required, including a single superintendent, bus system, and capital plan.

We would prefer that every adult who is interested in the wellbeing of schooling for students should have **the opportunity to stand for election** and serve as a trustee of a unified system. We would prefer that every adult who lives within the boundaries of the community should have the opportunity to vote for trustees of a single unified system.

We regret that, where a separate school system operates, all members of the minority faith must be registered as electors (supporters) of the separate school system. We regret that, in the same circumstances, parents not of the minority faith, even if they register their children in the separate school system, *may not elect or be elected as separate school trustees*.

The public school system can and should treat every child and every parent with respect, regardless of race, religion, or economic status. Every child will be better off if educated in this environment, and the community will be better off if every citizen is educated in this environment. We do not believe that separate but parallel development is either possible or desirable.

## **V. The Argument for Public Education as the First Model of Civil Democracy**

The continuation and the development of democracy depends upon adults being exposed to the democratic spirit at an early age, in successive positive experiences.

The first social institution that children are exposed to, generally at age five, is the school system. There is no question that the experience is formative, and it continues for at least 12 of the most impressionable years of a person's life.

The genius of the public school system in North America, especially in Canada lies with the role of locally elected trustees. Locally elected municipal government is an important counterpart.

It is the existence, and meaningful role, of locally elected trustees that justifies naming the public school system as the first model of civil democracy.

If students cannot learn the meaning of democracy close to themselves it is unlikely that they will ever understand its operation in Edmonton or in Ottawa. If they conclude that the system closest to them is a sham it is unlikely that they will trust more removed systems.

If they withdraw from voting and otherwise participating in the system that is closest to them, it is likely not long before they will similarly withdraw from provincial and federal politics.

Local government, locally elected, provides the best opportunity to demonstrate the power of "working together", or "a meeting of minds". In Alberta, there is no party system operating locally, and no institutionalized tendency to be adversarial, confrontational, or dismissive.

Local democracy is more engaged in a participatory mode – "direct democracy"; "town hall meeting" democracy. It is more akin to concepts of restorative justice that we are just starting to respect and learn from in aboriginal communities.

Local democracy is less pre-occupied with the reliance on procedure that promotes adversarial relationships, blocking or suspensive vetoes, and the giving over of responsibility to disinterested and/or superior agencies.

Participatory democracy is more concerned with accepting responsibility and creating the "common wealth". Procedural democracy is more concerned with claiming rights, defending personal goods and blocking others.

## VI. What is Needed

Because we are committed to inclusive education which models civil democracy, public school education must be universally accessible, which means that it must offer its best to any student, no matter where that student lives in the province.

In order to ensure that public school education is truly inclusive and a model of civil democracy, in order to ensure that it is universally accessible, and in order to ensure that it is continually striving for the best, four conditions must be met.

### There must be reasonable local autonomy.

Research indicates that there can be very little improvement to the achievement of students (perhaps in the order of 5% on common external exams that are standardized through time) except by making significant, concerted, and persistent changes to the condition of students, their families, and their communities. (See, for example, Whitty, G, Power, S., and Halpin, D. [1998] Devolution and Choice in Education. Milton Keynes, U.K.; Open University Press.)

A major problem facing the public school system in Alberta is that vital complementary services for children and families have deteriorated during the past ten years. The children bring the resulting conditions (or increased severity of the conditions) into the classroom, to be dealt with by the teacher in the context of a system which has less support for the teacher.

In order to significantly improve on the outcome of its effort, as well as to provide an effective model of civil democracy, there must be reasonable local autonomy for public school education.

### A Local Government Charter

The Public School Boards' Association of Alberta recommends that the Alberta Act, 1905 should be amended, to include what we call a "Local Government Charter." One example of a Local Government Charter is found in Appendix B of this submission. Note that the draft Local Government Charter refers to municipal government and public school boards, but not separate school boards. The position of separate school boards is already protected in the Constitution: in fact, municipal governments and public school boards have less protection in the Constitution than separate school boards have (ref. Section 17 of the Alberta Act, 1905, and the Supreme Court of Canada, various decisions, including: Attorney General of Alberta vs. the PSBAA).

It is important to note that the Local Government Charter, as suggested, does not establish local government as a third order of Government. The Charter is very clear in describing local municipal and public school government as integral aspects of the provincial government. The point is that, like the judiciary, local municipal and public school government should be protected from unilateral action by the provincial government on a limited number of key characteristics. The analogy to

the judiciary is appropriate. The whole provincial order of government is made up of parts, such as the Executive Council and the Legislature and the judiciary, which are interactive. The Constitution guarantees that each one enjoys some autonomy from the other(s), in order to ensure the operation of some checks and balances which are essential to the continued operation and well-being of democracy.

In respect of either municipal government or public school government, it is our position that residents of the jurisdiction should decide about changing the boundaries, consolidating jurisdictions, and related questions. We note that there are more than 250 local municipal governments throughout the province, and there is no suggestion that this is too much municipal government.

In the view of this Association the framers of the Constitution were silent on the role of municipal and school governments more than 130 years ago because, at that time, municipal and school government was so significant in the lives of citizens that the continuation of its central role was simply taken for granted.

We believe that municipal governments and public school boards should have at least as much protection in the Constitution as do separate school boards. We believe that local government is essential to the continued success of democratic government in this province, and we believe that its role should be recognized and protected. We believe that such constitutional protection would be the single most important contributor to the success of communities and public school education throughout Alberta.

#### Amending the Constitution as it applies to education in Alberta

An amendment of the type we are recommending is procedurally easy. The Legislative Assembly of Alberta would have to adopt a resolution asking the Government of Canada to amend the Alberta Act, 1905, and the resolution would include the text of the requested change(s). The Government of Canada would amend the Alberta Act as requested. An amendment of the type we are recommending does not require the consent of any other province or group of provinces. The Government of Canada has already done the same kind of thing for the Governments of Newfoundland and Labrador, Quebec, and Ontario. In so doing they have expressly said that they consider it the duty of the Government of Canada to adopt the amendments initiated within the province.

It is part of our recommendation that, within Alberta, we adopt the convention that no resolution would be adopted by the Legislative Assembly, requesting an amendment to the Alberta Act, unless the content of the resolution had previously been endorsed by Albertans in a referendum.

We believe that representatives of municipal governments and public school boards would be more than happy to work with representatives of the Provincial Government on an effective Local Government Charter. Assuming substantial agreement among the interested parties, we believe that many local politicians would campaign strenuously for public support, and we believe that the majority of

Albertans would endorse a Local Government Charter, recognizing it to be a major positive development for communities.

#### Special provisions in the School Act for metropolitan boards

We recommend that the Government implement a new Part in the School Act to deal specifically with large urban public school jurisdictions (for example, those with an enrollment of more than 50,000 students). It is our contention that these jurisdictions are large enough to generate a profile which is overwhelmingly statistically significant in its own right: that is, they don't benefit from targeted and program funding the way that jurisdictions with small enrollment may. In addition, they have access to resources that are external to their organization but internal to their community, and these resources (human, institutional, material) provide them with political and administrative options that are not available to smaller jurisdictions. Correspondingly, the large urban boards face challenges that are unique to them among all Alberta jurisdictions.

In exchange for more freedom, the metropolitan jurisdictions would be expected to exercise responsibilities that would not be required of other boards (i.e. evaluation and student assessment, professional development, etc.)

#### Local bargaining for teachers and public school boards

In our view, one major new development looms on the horizon to darken the prospects for reasonable local autonomy – provincial bargaining for teachers. If provincial bargaining were to emerge as a reality, and without knowing what form it would take, we can say that we believe it would weaken local autonomy and weaken the relationship of the local community to the public school system. As an alternative to provincial bargaining, we recommend that bargaining certificates be vested with the local of the Alberta Teachers Association, rather than with the provincial head office of the Association. Such a development would be consistent with local decision-making.

#### There must be a level playing field.

##### Accountability

One of the key ingredients of the success of public school education in Alberta has been the respectful partnership between the provincial government and locally elected public school boards. That respectful partnership deteriorates if either party, or both parties, begin to think of the relationship in different terms, for example, as a master-servant relationship instead of as a partnership.

Trustees should be primarily accountable to their electorate, not to the provincial government, and the form of accountability should be the same as Members of the Legislative Assembly adopt for themselves. At the present time, MLAs are only accountable to the electorate on election day.

The superintendent, all principals and all teachers should be accountably only to the Board of Trustees; they should not be simultaneously accountable to the Minister.

### Stability

We have witnessed the Provincial Government sign a multi-year agreement with some municipalities governing the distribution of gasoline taxes, and then unilaterally repudiate the agreement. We have seen the Provincial Government make a commitment to school capital projects and then unilaterally suspend the commitment. The Provincial Government should be enjoined against this type of backtracking on commitments. At the same time, school jurisdictions should have the capacity to accumulate a modest surplus from year to year, in order to have resources to fall back on when unexpected developments arise.

### A level playing field for public and separate school jurisdictions

There must be a level playing field as between public and separate school jurisdictions. Everywhere in Alberta the public school jurisdiction is the first one in place. The public school jurisdiction is responsible for the education of all children, regardless of race, religion, political outlook, or economic circumstances, unless and until a separate school jurisdiction is established, at which point access to the public school system is limited but not according to the intentions of the public school system itself.

The Government of Alberta should adopt a common sense interpretation of the Constitution that ensures the rights and responsibilities of the majority and of public school jurisdictions are respected and safeguarded.

In this context the Government of Alberta should ensure that “separate school rights” are interpreted, properly, to include the right to reject the formation/expansion of separate school education. (see Appendix E)

(Note: Amendments to the School Act in 2001 typify the practice of the Government, to make it easier to expand separate school education regardless of the feelings of members of the minority faith in a community.)

The Government’s operational funding program for education demonstrably favours separate school systems over counterpart public school systems in many parts of the province.

This is true of the *sparsity and distance formula*. It is also true of the *transportation funding* plan. To cite only one example, separate school boards are given funding by the provincial government to run school buses from one public school jurisdiction (for example, Red Deer), through a second (Chinook’s Edge), and into a third (Wolf Creek), in order to pick up separate school students who are then brought back to Red Deer.

Along the way, the buses of the separate school system may pick up students who are not of the minority faith but who will shift enrollment in order to take advantage of the access to a larger system or a larger community.

On the other hand, the Provincial Government will not, and should not, fund Red Deer Public to go beyond its environs in the search for students who could be brought back into Red Deer in order to increase enrollment for Red Deer Public, increase utilization, and skew the priority for new school construction.

The Province's *capital program* also discriminates against public school systems.

Schools should be built for the public school system or the separate school system in new and growing areas depending upon the current and projected demographics in the affected area only. It is not appropriate, and there is no justification, to build a school for the minority before building a school for the majority of the students in the area.

Every funding program and formula should be reviewed, and factors that have the effect of discriminating against public school jurisdictions should be eliminated.

Members of the minority faith should have the right to support the public school system if they wish

In Alberta the Constitution requires that, wherever a separate school system exists, any member of the minority faith which established the separate school system, who lives within the boundaries of the separate school system, must be a resident, elector, ratepayer, and supporter of the separate school system.

In Edmonton, for example, every adult who is Catholic is, according to the Constitution, a separate school supporter, whether or not he/she are aware of the fact; whether or not he/she wants to be. The same would be true of a Protestant in St. Albert.

Because we favour an inclusive education, the Public School Boards' Association of Alberta favours an amendment to the Constitution, such as is found in Appendix C.

We favour members of the minority faith having the right to choose to be supporters of the public school system, notwithstanding their faith.

In the case of an amendment which affects the rights of members of the minority faith, we believe the referendum should require a double majority, a majority of the people who are of the majority faith from school jurisdiction to school jurisdiction, and a majority of the people who are of the minority faith from school jurisdiction to school jurisdiction.

If the majority of separate school supporters in Alberta oppose letting individual members of the minority faith participate in the public school system, we would suggest that all Albertans should be bound by that outcome.

Enrollment in the separate school system should be limited to students whose parents are of the faith that established the separate school system

The present practice in Alberta is that some students whose parents are not of the faith of the minority do, nevertheless, enroll in the separate school system. Their parents are not enfranchised with the separate school system by virtue of the student's enrollment.

The appearance that separate school jurisdictions are "marketing" themselves to attract such students represents a source of sometimes serious discord between public and separate school districts, in part because these students are then included in calculations which disadvantage the public school jurisdiction.

We recommend that the Provincial Government adopt the policy that only students whose parents are of the minority faith where a separate school system operates may enroll in the separate school system.

Otherwise, we recommend that any parents whose children are enrolled in a separate school should be enfranchised with that system.

There must be respect for the complementary elements of a public school board's mandate

Public school boards have a mandate in two parts, one from the Provincial Government and one from the local community.

Each is valid and each is vitally important to the success of our common endeavour. In fact, the genius of public school education in Canada is precisely that we have found a way of operating our system stereoscopically, adding depth, richness and texture to the substance of what we do.

"Mandate creep" is a major concern for public school boards, especially since it is generally not explicit, not acknowledged, not generalized, and not accompanied by appropriate funding or authorization, or changes to policy and/or administrative systems. "Mandate creep" is often the filling of a vacuum or a shortfall when other human services fail the student, and/or the student's family.

The Minister, the Deputy and other senior public servants, and local MLAs have all written letters or memos, or had meetings directing one board or another to do or stop doing something, sometimes at great cost to the local jurisdiction.

These private impositions are an element of the school jurisdiction's "mandate". As word of what has happened in one jurisdiction spreads to another, usually without reliable confirmation or any other form of documentation, the experience of one jurisdiction becomes "marginal mandate" for other jurisdictions.

If the disposition of other situations, and the interpretation of this “on the grapevine” seems to lend credence to a trend, the marginal mandate moves toward the core, with an aura that reminds one of the phrase “plausible deniability”.

The Provincial Government has never expressed its mandate to public school boards in a cohesive, comprehensive, and public way, and we recommend that it do this, following extensive consultation with public school boards across the province.

The Provincial Government has never explicitly acknowledged the importance of the local mandate for public school boards, and we recommend it both acknowledge the local mandate and, since it is now the only funding provider for the system, ensure that locally elected school boards have the funds to achieve the local mandate as well as the provincial mandate.

There must be adequate funding, and optimal stability.

Provincial Government funding for K –12 education is structurally inadequate, given:

1. the local school jurisdiction’s mandate, as we understand it;
2. the level at which the Province itself says that it intends to fund K – 12 education; and,
3. the level of funding in place in earlier years.

By structural inadequacy, we mean that even if some program funding is adequate to meet the needs of the specific program and the entire target population for the program, there is no spill-over from program funds to meet the general needs of the system as a whole. Therefore the system as a whole is underfunded to meet its mandate in the context of its circumstances.

Research supports the argument that the K – 12 education system in Alberta is structurally underfunded, on current operations alone, by between 5% and 7% -- a shortfall of about \$171Million to \$240Million per year. (*SEE Dr. Dean Neu, and others. Table I, and accompanying graph, following page 25*)

These numbers do not take into account the cost of recent arbitrated salary settlements, capital requirements, or the shortfall in the Teachers’ Retirement Fund.

Nor do these numbers reflect student, parental and community contributions, by way of school fees and charges, and fundraising activities. Financial statements from schools indicate that 3% - 4% of a school’s revenue is derived from fundraising.

Such fundraising distracts parents and others from more important forms of support for education, such as reading to children. It is also an unreliable source of funding for schools, and it is probably available in inverse proportion to need – that is, the schools having the most needing student enrollment probably have less capacity to raise significant revenue by fundraising.

Parents should not feel obliged to initiate and support fundraising schemes on behalf of public school education.

The numbers do reflect preliminary work that the Association has done on an Educational Price Index. Our analysis indicates that an educational price index has outstripped the Consumer Price Index by about 1.76% in the last five years.

In other words, from 1996 to 2001, public school systems have a shortfall that is about 1.76% worse (on total provincial funding increases) than is indicated by comparison with the Consumer Price Index.

Work on an educational price index also indicates that basic grant increases have fallen behind by 17.17% during the same period. Comparing the two figures, it is clear that:

- the structural shortfall is very serious; and,
- the Provincial Government is skewing the distribution of limited resources to the benefit of some school systems and the disadvantage of others.

(Tables follow page 25)

In addition, as was noted earlier in this submission, the public school system, already structurally underfunded, is trying to do things, unaided in 2002, which it had the assistance of other community and government agencies to do in 1993.

Recently, one of our member jurisdictions experienced a school wide problem with head lice, and contacted the Regional Health Authority to ask for the assistance of a public health nurse. The school jurisdiction was told that the RHA no longer provided the services of public health nurses to schools; the school should hire a private duty nurse or otherwise use its own resources to handle the situation.

We recommend that the Provincial Government immediately increase the base, or unrestricted, funding for K – 12 education in the public and separate school systems by 7% (approximately \$240Million, *per annum*).

In the middle of the 19<sup>th</sup> century almost every British colony and American state reserved the single most important source of tax revenue – the property tax – for local municipal and school government.

Our forefathers must have considered local government very important, and today, the Public School Boards' Association of Alberta recommends that the Provincial Government should make a commitment to revenue sharing, and negotiate a revenue sharing agreement with local governments.

The revenue sharing agreement should be implemented with an amendment to the Alberta Act, so that it cannot be changed unilaterally or on short notice. (Appendix B and Appendix D.)

Research suggests that some of the changes implemented by the Government in 1994 were counter-productive. We are referring to the elimination of the public school boards' right to collect a local levy on property tax.

As a result of this, there is slightly less equitable distribution of funds among school boards now than pre-1994. More significantly, local school boards have lost all means of calling for local effort and financing local projects and priorities.

There are two important implications of this. The first is that the local community has no concrete way of indicating its support for public school education. The second is that the community has no way of involving education in the life of the community, sometimes called cross-subsidization.

It is important for us to emphasize that we are not recommending a return to the former system by which public school boards levied an amount they claimed from the property tax collected by municipalities. If the property tax remains as the instrument for measuring local effort, the system would have to be remodeled. Other taxes should be investigated.

There must be a way of measuring local effort.

## Appendix A: A Glossary of Terms (labels)

### **Often used when discussing Strategic Planning and Futuring as it Relates to Public School Education**

Autonomy: freedom to act without reference to an external authority, including both the absence of external restraint and the presence of capacity at hand.

(Core)

Belief(s): the (often unstated) propositions that provide key indicators of our most significant attitudes, goals, and habits. The propositions which we would assert to be true and fundamentally important to successful living, even though they are unproven and cannot be proven. A complete set of core beliefs would encompass what one believes about: current conditions; fatalism vs. free will; and ultimate ends.

Core beliefs transcend aspects of life, such as work, voluntary activity, political association, etc. They provide one's perspective on life (oneself and others, the condition of the world). They help to explain why we value what we value. They help to explain our work and the nature of our relationships.

(Roman)

Catholic

Education: (1) education provided by the Roman Catholic Church within the structure of the Church itself, and directly related to the nature and/or continuation of the Church itself, as, for example: preparation for first Communion; catechism; discernment of religious vocation; etc.  
(2) education sponsored or managed by a Roman Catholic Church diocese, parish, or organization or by one of the vowed religious orders.

Community: a group of people who share all of a number of characteristics:

- they have -- a common understanding (interpretation) of important events in their past; one or more important and common goals for the future; and a common sense of and commitment to the work which must be done in the present in order to attain their common goals;
- they have a strong sense of the geographic area for which they have a primary and elemental stewardship responsibility;
- they include everyone who lives within the geographic area as a member of the community;
- they are open to sharing responsibility for activity that touches all or most aspects of life; they have the capacity to act on issues of more or less common concern, and they share the resources which represent the capacity to act (community is represented by a willingness to sacrifice for the good of the community);

- they value some common wealth, and they increase and maintain the common wealth.

Equally important, the boundaries of the geographic area of a community are determined from the inside, without imposing on unwilling surrounding communities.

Democracy: a political system characterized by: legal and practical autonomy from other social institutions: the absence of any formal advantage or favour for heredity, class, race, religious affiliation, etc.; freedom, for its citizens, from fear, and freedom, for its citizens, of association and of expression: and, an electoral system in which all adult citizens have one and only one vote in any election or referendum and may cast their vote for the election of representatives to the legislative branch of the government or for the determination of questions about the constitution or public policy or taxation, or all of these.

Outcomes are determined by the majority or plurality, and there is respect for the minority.

Empower: to give power to a person or thing (including an institution) who/which would not otherwise have it, because the recipient has no right to (the) power and/or because the recipient lacks capacity except by the grace of the empowering agent.

Exclusive (education): (1) any formal system of education which is organized so that administrators and/or directors of the system have a right to admit students at their discretion or subject to some qualification, and to exclude students at their discretion or for failure to meet some qualification.  
(2) education which concentrates on one or more matters to the exclusion of others which are recognized.

Inclusive (education): (1) any formal system of education which is organized so that administrators and/or directors have no right or discretion concerning the admission of students or to exclude students at their discretion or for failure to meet some qualifications.  
(2) a comprehensive education which attends to the “the whole child”, likely including the intellectual, social, physical, and spiritual aspects.

Private  
(school

Education): a system of education which is owned by an exclusive group which, as the result of ownership, has the right to make decisions about organizational matters and matters of process and participation.

Public  
(school

education): any system of education which is available to all students without restriction, and is governed by a process to which all parents and all adults in the community have access, as a matter of right and explicitly adopts, as its first purpose, the challenge to model civil democracy. In Alberta, the first form of education provided in and by each community,

Separate  
(school

education): (see Appendix E.)

Sovereignty: the condition of being supreme; complete; unmitigated. In politics, the complete capacity to determine the nature and the extent of one's relationship(s) with peers.

Subsidiarity: a perspective on the relationship of individuals to groups, or of groups to one another, based on the premise that sovereignty originates external to the individual or group and is lodged, by some transcendent authority, at the pinnacle of the larger (largest) representation of the group; and, that there should be optimum delegation to lesser groups and positions, subject to the essential qualification that the delegator provides the only appropriate judgment of what constitutes optimal delegation. (Delegation to those who are controlled by, and/or lesser than . . .)

Value(s): the object of qualitative judgements; that which one cherishes because it is worthy or has worth, utility, beauty or desirability. Values may relate to

- style or appearance (that is, they are formal), or
- organization or process (that is, they are functional), or
- goals or objectives (that is, they are ends).

Values may be: material or intangible; or, intrinsic or extrinsic.

Vision: a 'picture' of a plausible future. In strategic planning and futuring a "vision" is often described and used to attract the active support of people for the work which needs to be done in order to bring the vision to reality.

## **Appendix B: A Local Government Charter for Alberta**

A third Whereas clause should be added to the Alberta Act, 1905.

*Whereas it is exclusively within the capacity of the Legislature to make laws respecting the local government of municipal and school affairs and it is advantageous for the people of Alberta to guarantee the basis for local government and the reasonable local autonomy of municipal councils and public school boards;*

A new section should be inserted into the Alberta Act, following 16.

*16.1(1) Every municipal jurisdiction and public school jurisdiction and every municipal council and board of trustees associated therewith, in existence at the adoption of this provision is continued, and no such municipal jurisdiction or public school board shall be dis-established or removed from office or have its boundaries changed except by a vote of its eligible electors.*

*16.1(2) The Legislative Assembly of Alberta may make laws respecting the election of municipal councillors and public school trustees subject to the condition that no such law may allow a person who is not a resident within the geographic boundaries of the municipality or school jurisdiction to stand for election as a councillor or trustee or serve as a councillor or trustee or vote for a councillor or trustee of the municipality or school jurisdiction.*

*The Government of Alberta may not, by enactment or other action, limit the number of people who are elected locally, or limit the compensation paid to locally elected representatives, except that it may require complete and timely disclosure of relevant information to the electors of the municipality or school jurisdiction.*

*16.1(3) Every municipal jurisdiction and public school jurisdiction and every municipal council and board of trustees associated therewith shall have the right to hire, direct, and discharge staff without the capacity being in any way limited or compromised by any enactment or other action of the Provincial Government.*

*16.1(4) Notwithstanding the capacity of municipal governments and public school boards to adopt a local mandate consistent with their purpose and do such things as are reasonable to fulfill their mandate, the Government of Alberta may delegate to municipal governments and public school*

*boards any matter which it deems to be of provincial jurisdiction, provided that in making any such delegation the Government of Alberta shall ensure that appropriate resources are available, from the Government of Alberta, to the jurisdiction.*

*16.1(5) Within five years of the enactment of this provision at least one revenue sharing program shall be put to a vote of the electors of Alberta and, if approved, adopted by the Government of Alberta and implemented. In the event one such proposal is not endorsed by the Government of Alberta and a body representing all municipal governments and all public school jurisdictions, two revenue sharing programs shall be voted on by the electors, one put forward by the Government of Alberta and one put forward by municipal and public school governments collectively, and the one favoured by the larger number of electors shall be adopted and implemented.*

### **Appendix C: Freedom of Choice for Separate School Supporters**

Section 29 of the Constitution Act, 1982, should be amended, by adding words at the end of the current provision.

- V. *Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate, or dissentient schools, except that, in Alberta, any person who is of any class of persons who, within a community, have any right or privilege or obligation with respect to denominational schools may nevertheless become an elector and a supporter of the corresponding public school system and may have his or her child educated by such system, according to the laws of Alberta.*

The Constitution in Alberta would then be similar to the Constitution in Ontario.

Individual members of the minority faith would have the right to choose to be supporters of the local public school system, without having to renounce their faith.

The wording would not allow members of the majority to choose to support the separate school system and the provision has been deliberately worded in this way, reluctantly, because, as long as separate school systems exist the majority should not have the means of “migrating” to the separate system and overwhelming its nature.

## Appendix D: Notes on Revenue Sharing

“Revenue sharing” is the practice of having one level or part of government share revenue which it has the capacity to raise with another level or part of government that has more limited access to revenue.

Unlike program funding, which is tied to the delivery of programs or services, revenue sharing is basically program or service indifferent. It is also universal, not particular.

Revenue sharing represents a response to structural conditions. If we focus on revenue sharing by the Government of Alberta with school jurisdictions and/or municipal governments, every jurisdiction would be affected, according to the terms of the revenue sharing agreement.

Typically, revenue sharing would be negotiated in three steps.

First, a base year and a global amount that should be available in the base year – to school jurisdictions, for example – would have to be agreed to.

Second, a “basket” of revenue sources would have to be agreed on, and the composition of the annual revenue pool would have to be agreed on by drawing a percentage of the total revenue from each of the sources in the basket.

Third, there would have to be agreement about the management and the distribution of funds from the pool each year.

[For example, in Alberta there might be agreement that \$X should go to K – 12 education in 2003, the “base year”. There might be agreement that the revenue sharing “basket” would include corporate and personal income tax, resource revenue, and gaming funds, and that the shared pool would be made up each year by taking “a”% of all corporate income tax, “b”% of all personal income tax, “c”% of all resource revenue, and “d”% of all gaming revenue (since this formula had yielded \$X for K – 12 education in the base year).

Thereafter, income for recipients of revenue sharing would move from year to year according to the economy of the province and the tax yield to the basket. It would be important to provide, and expect, that local governments would save in good years for bad years.

It would be important to have an independent board managing the sharing. A Crown Corporation is suggested. It would be important to ensure that the main provisions of revenue sharing could not be changed unilaterally, or on short notice. A constitutional enactment is suggested (see Appendix C).

## **Appendix E: Separate School Education in Alberta**

In Canada our Constitution includes the various Constitution Acts of the British Parliament, (1867 to 1982), as well as the federal legislation establishing provinces (such as the Alberta Act, 1905), and amendments thereto.

The Canadian Constitution has some provisions that differ from province to province. Education provides the best example of this.

Newfoundland had no public school system until the last decade; all of its schools were, nominally at least, provincially regulated and funded “church schools” - somewhat like the separate school system of Alberta and Saskatchewan, writ large.

Prince Edward Island, Nova Scotia, New Brunswick, Manitoba, and British Columbia have no separate school system, and (except for Manitoba) have never had one.

Quebec has parallel systems which were once “confessional” (denominational) and are now principally characterized by language differences.

Ontario has a separate school system that formerly operated to the end of grade eight and now operates to the end of secondary education.

Saskatchewan and Alberta have identical constitutional provisions which have worked their way out to different current circumstances in the two provinces.

In Alberta, section 17 of the Alberta Act, 1905 provides the framework for education in the province, and section 17, in turn, points us to Chapters 29 and 30 of the Ordinances of the Northwest Territories, 1901.

Public school education is the first system of education mandated in every community. It is for every child and the local governance of public school education is the responsibility of every local citizen, by virtue of a universal franchise for the local election of public school trustees.

The Constitution provides a local and conditional alternative to the public school system. This local and conditional alternative is the separate school system.

The right to separate school education is very much a conditional right; that is, certain conditions must be met in order for there to be separate school education and in order for a person to participate in separate school education, and the conditions must be met locally, not provincially.

Within the boundaries of the public school jurisdiction one of two religious groups named in the Constitution (Protestants or Roman Catholics), if they are unhappy with the operation of the public school system, may conduct a census to determine if they are the minority within the jurisdiction when compared to the other named religious group.

The possibility of separate school education is not available to any faith group except those who would call themselves Protestants or Roman Catholics. The constitutional right that unfolds is a group right, not an individual right.

When either Protestants or Roman Catholics have established that they are the minority compared to the other in a public school jurisdiction, the minority group may go through a political process culminating in a decision in favour of, or in opposition to, the establishment of a separate school district.

Separate school education is only available locally if the members of the minority faith living in the community decide, by majority vote at the end of a political process, that they wish to withdraw from the public school system and create a separate school system.

A vote against establishment of a separate school system is just as much a constitutional right as is a vote in favour of such a system. In either case, the vote of the majority is binding upon the minority.

If the majority of the minority vote in favour of establishing a separate school system the minority of the minority are bound to be electors, residents, and ratepayers of the resulting separate school system.

If the majority vote against the establishment of a separate school system, the members of the minority who may have wanted separate school education are denied the opportunity.

Separate school education is a group right, not an individual right, and the exercise of the group right may limit or even extinguish individual rights. Within limited parameters separate school education may contravene the Charter of Rights and the government may contravene the Charter of Rights in order to discharge its obligations with respect to the establishment and maintenance of separate school education.

Separate school education is neither Catholic nor Protestant: from community to community throughout Alberta it may be either, but only to the extent that its civil electorate is of either faith.

Separate school education is not “owned” by a Church and its electors or trustees are not under any legal obligation to any Church or leaders – nor, indeed, are they under any moral obligation except to the extent that it is felt internally by them.

It is clear from the design of the system that the designers never expected or intended that the minority faith would eventually withdraw from all public school systems and create separate school systems throughout the province.

Because separate school education is a civil institution the Provincial Government has the same right to regulate the civil institution as any other civil institution, subject to a small number of constitutional guarantees.

The members of the minority faith within the boundaries of a public school jurisdiction have the constitutional right to go through a protected process aimed at establishing whether or not the minority faith community as a whole wants separate school education.

If the answer is in the affirmative, members of the minority faith have the right to establish a list of electors which is restricted to members of that faith, and they alone may elect trustees for the separate school system.

The electors/ratepayers of the separate school system have the right to tax themselves for the financial support of their system, and they have the right to be relieved of providing financial support for the public school system. They have the right to build their own school. They have the right to begin the school day with the Lord's prayer and to end the school day with 30 minutes of religious instruction.

SUBMITTED TO THE LEARNING COMMISSION – DECEMBER 3, 2002  
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