



**Alberta
School Boards
Association**

**SCHOOL COUNCILS
95-1 POLICY ADVISORY SERVICE**

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Alberta School Boards Association

MISSION

Dedicated to the betterment of Alberta's public education systems through collective action, the Alberta School Boards Association:

- promotes **RESPONSIVENESS** to student needs in a manner that is respectful of parental and community expectations;
- advocates **GOVERNANCE** by locally elected trustees acting corporately;
- provides **SERVICE** to member boards through information, advice and advocacy; and
- pursues the **CREATION** of coalitions for provincial and national representations.

School Councils

Table of Contents

	Page
I. INTRODUCTION	2
II. STATUTORY FRAMEWORK FOR SCHOOL COUNCILS	3
III. ISSUES SURROUNDING TERMINOLOGY RELATIVE TO SCHOOL COUNCILS	7
A. Meaningful Involvement	7
B. Consultation on Standards	9
C. Consultation on Fiscal Management	11
D. Board Authority	12
E. Delegation of Duties and Functions to School Councils	15
F. Reporting, Accountability and Insurability	18
G. School Council Policies	19
IV. BOARD POLICIES	21
A. Sample Policy Statements	23
B. Communication Between the Board and the School Council	24
C. Conflict Resolution and Appeal Procedures	25
D. Conflict Resolution Procedure	28
E. School Council Reporting Requirement	28
F. Dissolution of School Councils	29
G. Requirements of School Principal Relative to Dissolution or Suspension of School Council	29
H. Guidelines for a Delegation of Duties or Tasks to School Councils	30
I. Optional Policy - School Councils and Principals	30
J. Role of School Council Relative to the Principal	31
K. Resolution: Faith of School Council Members	33
V. ALBERTA REGULATION 124/95, SCHOOL COUNCIL REGULATION	34
VI. BIBLIOGRAPHY	40

I. INTRODUCTION

Throughout the last year significant changes have been made to School Act legislation modifying the roles and responsibilities of boards and school councils. These changes provide a greater opportunity for boards and school councils to communicate with each other regarding parental and community concerns arising out of the "school context" and for parents and community members to become involved in a meaningful way in ensuring that the education provided to the students of the community meets the ever changing needs and concerns at the local level.

The purpose of this document is to provide boards with an understanding of the statutory framework within which school councils are to operate, and to discuss those matters critical to an effective and efficient operation of both boards and school councils in their new roles, and lastly, to provide sample policies which may be of assistance to boards in working with school councils.

Development of school council policies will create a framework in which boards and school councils can work together toward improving the climate in which student learning occurs. Effective implementation of the policies will be determined by the clarity of the policy statements and by the willingness of boards, administrators, school councils, and their communities to focus on working together toward our shared mission as articulated by Alberta Education:

"The best possible education for all Alberta students."

Alberta Regulation 124/95 addresses the formation and operational aspects of school councils. Alberta Education's document, School Councils Handbook, Meaningful Involvement for the School Community, is an excellent source of information for the operational aspects of school councils. At the time of publication of this document, the authors do not have access to Alberta Education's policy on school councils. The Government's policy is "under development". This document will examine school board policy implications primarily arising out of Sections 17 and 45 of the School Act.

II. STATUTORY FRAMEWORK FOR SCHOOL COUNCILS

The primary functions of a school council are set out within Section 17 of the School Act, which makes school councils mandatory. Section 17 also empowers the board to deal with school councils in the fashion set out therein. Section 45 also has significant implications in that it specifies the broad parameters within which the school board may delegate some of its powers. The focus of this document will be on the implications of Sections 17 and 45 for the development of board policy.

Section 1(1)(s.01)

1(1)(s.01) "School council" means a school council established under section 17.

Section 17 of the School Act states:

- 17(1) A school council shall be established in accordance with the regulations for each school operated by a board.*
- (2) The majority of the members of a school council shall be parents of students enrolled in the school.*
- (3) A board of a separate school district or a division made up only of separate school districts, by resolution, may require that the parents of students enrolled in a school operated by the board who are members of the school council must be of the same faith as those who established the separate school districts, 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 make and implement policies in the school that the council considers necessary to carry out its functions.*
- (6) *A school council may make by-laws governing its meetings and the conduct of its affairs.*
- (7) *Subject to the regulations, a board may develop and implement policies respecting school councils.*
- (7.1) *A board shall establish an appeal process or conflict resolution procedure under which the principal or the school council may apply respecting disputes on policies proposed or adopted for a school.*
- (8) *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.*
- (9) *The Minister may make regulations*
 - (a) *respecting the election or appointment of the members of a school council and 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 any other matter the Minister considers necessary respecting school councils;*
 - (d) *exempting a school or class of schools from the application of this section.*

Sections 44 and 45:

44(1)

A board must

- (a) *establish policies respecting the provision of educational services and programs;*
- (b) *in respect of its operations*
 - (i) *keep in force a policy or policies of insurance,*
 - (ii) *with the approval of the Minister, participate in an arrangement under Part 15 of the Insurance Act, or*
 - (iii) *with the approval of the Minister, participate in an alternative arrangement acceptable to the Minister,*

for the purpose of indemnifying the board and its employees and school councils in respect of claims for

- (iv) *damages for death or personal injury,*
- (v) *damages to property, and*
- (vi) *damages to property owned by the board in respect of which the board has an insurable interest*
 - (A) *that the board has agreed to insure, or*
 - (B) *for which the board otherwise has or may have assumed liability,*

in an amount and form prescribed by the Minister,

...

45(1)

The board may authorize by resolution

- (a) *any of its employees,*
- (b) *a committee of the board or that is established by the board,*
- (c) *a school council, or*

- (d) *a joint committee established under section 47,*
- to do any act or thing or exercise any power that the board may or is required to do or exercise subject to the directions and limitations set out in the resolution, except*
- (e) *the power to make a by-law under this Act,*
- (f) *the power to close a school or school building under section 42,*
- (g) *the power to requisition from a municipality that the board may have from time to time,*
- (h) *subject to section 86, the power to suspend the services of a teacher,*
- (i) *the power to terminate the services of a teacher, and*
- (j) *the power to hold a hearing under section 85.*

As a consequence of these amendments to the School Act, Section 29(1) of the 1995 School Amendment Act, which was a transitional section with respect to school councils, and Alberta Regulation 124/95, the principal of each school must, after consultation with any existing parent advisory council, give notice of the calling of an establishment meeting no later than February 15, 1996. Any prior existing school councils will be deemed to have been dissolved as of that date as a consequence of Section 29(1) of the 1995 School Amendment Act.

Accordingly, in accordance with statutory requirements, all schools are expected whenever possible to have operational school councils as of February 15, 1996. Each school council shall hold its first meeting on or before March 1, 1996. Exceptions will be made in accordance with the regulations in those areas where the principal has been unable to establish a school council as a result of parental failure to participate, in which case alternate establishment methods are to be implemented by the principal. These matters are addressed within the regulations and Alberta Education's School Councils Handbook dated June, 1995.

III. ISSUES SURROUNDING TERMINOLOGY RELATIVE TO SCHOOL COUNCILS

In order to devise policy which will enable boards and school councils to interact in a meaningful and efficient way, consideration must be given to the nature and extent of involvement provided to school councils under the statutory framework. This section will review the issues arising from terminology used within Section 17.

A. Meaningful Involvement

The first and most central issue is that of determining what "meaningful involvement" is. Does it mean "consultation" or does it mean "control"? Is the focus of parental involvement to be on making recommendations or on making the actual decisions, which is indicative of actually having the power? Historically, parents and educators have been unequal in their possession and exercise of power in education. The knowledge and expertise base of the professionals has afforded them influence over how schools and classrooms have been run particularly in terms of the choice of curriculum and the selection of teachers. These decisions are perceived to be where the power is centered. Boards and school councils will have to come to terms with the concept of power. It is the opinion of the writers that power resides in the school board and its chief executive/education officer. This power has been granted to boards under the School Act and is the board's responsibility unless boards delegate the power to school councils in accordance with Sections 17 and 45 of the School Act. As a result of the amendments to Section 17, parents and community members are given a greater opportunity to advise boards regarding grassroots concerns; to advise and consult regarding any and all concerns relating to those matters particularly identified within Section 17; and to work with boards where the board has delegated particular duties and tasks directly to school councils.

As a consequence of the statutory framework the chief executive/education officer, and ultimately the school board will be held accountable and liable for all substantive decisions. Therefore, it is the board which must be the ultimate local decision-making authority. Legislation empowers school councils to discuss specific issues or to perform specific duties or functions in accordance with the parameters of the delegation defined by the board. Clarity in making assignments

to school councils will be essential. The board must always be cognizant of the fact that ambiguity causes difficulty. When an issue has been vaguely defined, the group to which it has been assigned has the inclination to define it for themselves. Boards will have to be specific in their stated expectations and will require feedback from school councils regarding the councils' understanding and willingness to fulfill those expectations.

Alberta Education's Policy on School Councils, in the School Councils Handbook addresses "involvement". It states, "Alberta Education recognizes the rights of parents to be involved in their children's education and for parents, community members and school staff to be involved in key decisions about the education of students. In each school operated by a board, parents and the school community are to be provided with the opportunity to establish a school council. School councils will have a role in advising and consulting with the principal on any matter relating to the school. Additionally, school councils have those discretionary powers outlined in Sections 17(4)(a)(c)(d). (underlining for emphasis added)

The foregoing indicates that Alberta Education holds the view that school council involvement is in an advisory capacity. Alberta Education's answer to the question, "What do school councils do?" This statement is found on page 13 of the School Councils Handbook is also instructive. The answer is:

"The School Council may, at its own discretion, advise the principal and the Board respecting any matter relating to the school. The School Council may, at its own discretion, consult with the principal who ensures that students have the opportunity to meet educational standards and that fiscal management of the school is in accordance with Board requirements." (underlining for emphasis added)

While Sections 17(4)(c) and (d) of the School Act provide that the principal *may* ensure compliance with the standards of education and may ensure that the fiscal management of the school is in accordance with the requirements of the board and the Superintendent, Section 15(c.1) imposes a requirement upon principals to ensure that students in the school have the opportunity to meet the standards of education set by the Minister.

Alberta Education's School Council Handbook also includes the following:

"School Councils facilitate the development of a common vision for the school. Members work together on School Councils to facilitate communication, planning and resource allocation regarding priorities and programs that are needed to meet the expectations of the local school community. School Councils do not manage the day-to-day operations of the school.

"Once established, School Councils should be able to look beyond the needs of a particular school and cooperate with other School Councils in sharing information and ideas and in providing advice and information to School Boards and Alberta Education."(underlining for emphasis added)

The statements give a clear indication as to the Department of Education's view of school councils and matters in which it would be appropriate for school councils to participate, and matters in which such participation is not appropriate. These statements are not, however, to be seen as all encompassing because Section 17 clearly allows school councils to advise the principal and the board respecting any matter relating to the school, and to consult with the principal so that the principal may ensure that students meet the standards of education set out by the Minister, and that the fiscal management of the school is fulfilled in accordance with the requirements of the board and the Superintendent. This is a much broader mandate than that provided for within the Handbook. School councils may also be specifically empowered by the board to undertake the performance of particular duties or tasks, in accordance with the delegation made by the board to the school council.

B. Consultation on Standards

In Section 17(4)(c) a school council "may", at its discretion, "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. However, as above discussed, it is the school principal and not the school council who is responsible to ensure that students meet standards of education set by the Minister, as a result of Section 15(c.1). This provision ensures that members of

the school community, through their school council are given an opportunity to have input, through the school principal, as to those matters relevant to the provision of educational services, which will, in the opinion of the school council, assist the principal in ensuring that the school's students have the best opportunity to meet the standards of education specified by the Minister.

As discussed above, the principal is required to ensure that the students have the opportunity to meet the standards of education. The unanswered questions are: "Who is ultimately responsible to see that the Minister's standards are met? Is it the board, the superintendent or the principal? What are the standards? Who will assess them?" Presumably all parties will share responsibility in ensuring the meeting of these goals. These issues are important in considering what duties or functions will be delegated to school councils.

Alberta Education's document Accountability in Education, Policy Framework, identifies the need for reporting of results and achievement of standards which is consistent with the terminology in the School Act. While the authors are not sure that these are the standards to which the School Act refers, the following are examples of some standards being used by the Department of Education:

1995 <u>Annual Education Report</u>	1996 <u>Annual Education Report</u>
<ul style="list-style-type: none"> • grades 3, 6 and 9 achievement test results compared with provincial standards and results. • diploma examination results compared with provincial standards and results, including participation rates. 	<ul style="list-style-type: none"> • percent of students who achieve the acceptable standard and percent of students who achieve the standard of excellence on achievement tests. • percent of students who achieve the acceptable standard and percent of students who achieve the standard of excellence on diploma examinations, including participation rates.

The Accountability in Education Policy Framework, dated June, 1995, requires that school councils be regarded as key participants in communicating local results and suggests ways to improve education at the school and board levels on the basis of local results. Boards, principals and school councils will have to determine how they can best meet the objective described by Alberta Education through both the dissemination of information and the eliciting of feedback regarding the same.

C. Consultation on Fiscal Management

Under Section 17(4)(d) of the School Act a school council may consult with the principal, at its discretion, 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. This function is discretionary. In other words, a school council may 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. School councils need not necessarily become involved with the fiscal management of the school but can do so if they wish. However, if they wish to become involved their role is arguably not even advisory, but limited to consultation with the principal. (underlining for emphasis added)

The issue of accountability also arises with respect to the consultative function of the school council. The shift in focus arises under both Sections 17(4)(c) and (d) where the principal may ensure the fulfillment of duties set out within those sections. Prior to the 1995 School Act amendments, those school council duties were mandatory. Now, while the school council may consult with the principal on those same duties, the principal may, at his or her discretion, ensure that the fiscal management of the school is undertaken in accordance with the requirements of the board. The obligation is no longer mandatory. That being the case, there is a very strong argument that it is the board and the Superintendent who remain responsible for ensuring that the school's fiscal management policies are acceptable and ensuring that the principal in fulfilling his statutory duties provides appropriate opportunities for students to meet the standards of education set by the Minister. The board must also keep in mind the fact that the principal is an employee of the board and that the board will be vicariously liable for the actions of its employees, including the principal. Therefore, the board must ensure the appropriate

fulfillment of the statutory requirements by taking those steps that may be necessary to ensure such compliance. How then does a board best deal with the discretionary and mandatory powers of the principal? In order to avoid confusion over whose responsibility it is to ensure the meeting of these goals, these matters must be clearly addressed between boards and principals in policy, and in contract, where applicable. All participants, including school boards, administrators, and student councils will need to establish mechanisms through which concerns and information surrounding this matter can be dealt with appropriately.

It will be critical that both the requirements of the board and the Superintendent are clearly known if the principal is to ensure that fiscal management of the school is made in accordance with those requirements.

D. Board Authority

Section 17(7) of the School Act, grants the board the authority to develop and implement policies respecting school councils subject to:

1. Alberta Government regulations;
2. Relevant sections of the School Act; and
3. Alberta Education policy (under development at publication date).

Section 17(7) of the School Act empowers the board to develop and implement policies respecting school councils, provided that such policies are made in accordance with the regulations. The only existing regulation regarding school councils is Alberta Regulation 124/95 which deals primarily with the establishment and internal operation of school councils. The board should be cautious not to implement and make policies which would usurp any policy making power already granted to the school council regarding its internal operation.

It is recommended that policies which will facilitate effective and efficient communications between the parties be established. For instance, a policy

regarding the way in which a school council and a school board may formally communicate could be established. Options available include:

1. Modifying existing policies under which any third party seeks permission to appear at a regular board meeting; or
2. Establishing a separate, less formal procedure, under which the school council would meet with the Board.

Boards, as a preliminary step, may wish to seek input from their school councils as to those mechanisms the school councils wish to see implemented to facilitate communication between the parties.

Clear communication between the parties will be key to their effective operation. A separate policy should be devised under which it is made clear to the school council how and when they may meet with the board, or committees or representatives of the board to discuss their concerns and fulfill their statutory functions.

The board may also wish to encourage school councils to work together though they cannot require them do so. Boards could, however, facilitate such a process should school councils make known a desire to do so.

The board is also required, under Section 17(7.1), to establish an appeal process or conflict resolution procedure under which the principal or the school council may seek a determination of disputes on policies proposed or adopted for a school. While not required, this matter may most appropriately be addressed by way of policy, because the board must implement such an appeal process or conflict resolution procedure. Any appeal process or conflict resolution procedure should provide, at a minimum, for the following:

1. Who is to be involved in the event of a dispute? Will the board delegate this task to a committee of the board or will the entire board intervene?

2. The way in which the dispute resolution body will resolve the dispute. For instance, will it hear both parties on the issues, receive written submissions, investigate the matter on its own or use some combination of techniques in order to resolve the disputes? Alternatively, will the board endeavour to mediate as part of the conflict resolution procedure as a preliminary step?
3. Include a statement that any decision made by the board, or a committee of the board as the case may be, shall be final and binding.
4. The procedure to be followed in the event of a dispute should be clear to both the principal and the school council and should provide for an expeditious resolution of disputes.
5. The policy should also include timelines for application for resolution of a dispute under the policy or conflict resolution procedure. In other words, any complaint brought by the principal or the school council, should be brought within a reasonable time after the parties have been unable to resolve the dispute.
6. The decision making ability of the board should be defined.

The board may also wish to devise a policy under which a school council's statutory reporting duties are described, and lastly a policy setting out procedures to be followed in the event that a school council is dissolved or suspended.

If the four above described policies are established (i.e. (1) communication with the board; (2) appeal process or conflict resolution process; (3) statutory reporting duties; and (4) dissolution/suspension of a school council) the essential framework for communicating and working with school councils will be in place. The development of further policies may be necessary after boards have had more experience with the operation of the school councils and subsequent to the government issuing its policy on school councils.

E. Delegation of Duties And Functions to School Councils

The board has the authority to delegate various duties and tasks, but the delegation of tasks has been described somewhat differently under Section 17(4)(b) and Section 45, School Act. Each of these sections makes it clear that the delegation of any particular matter, including a duty or function to a school council, can contain particular directions and limitations.

Under Section 45 a delegation made to a school council to do any act or thing or to exercise any power that the board may or is required to do or exercise must be made by way of resolution.

Section 45 also specifies those matters which cannot be delegated to anyone else. Those matters which boards cannot delegate are (paraphrased):

1. the power to make a by-law;
2. the power to close a school or three consecutive grades permanently;
3. the power to requisition from a municipality;
4. the power to suspend the services of a teacher (except under Section 86(1.1));
5. the power to terminate the services of a teacher; and
6. the power to hold a transfer hearing of a teacher.

A delegation made under either Section 45 or Section 17 may, therefore, be as broad or narrow as the board wishes. However, it is critical that the delegation of powers specify exactly what the board wishes the school council to undertake, and describe clearly the parameters of the delegation. Any delegation should, at a minimum, specify:

1. The nature of the duty or function to be performed;
2. The deadline by which the duty or function is to be performed;
3. Any restrictions to be placed upon the performance of the duty or function including:
 - (a) the need to adhere to jurisdictional policy;
 - (b) the need to avoid conflict with any particular board or school policy; and
 - (c) any relevant timelines. For example, if one were to delegate the policy making function with respect to a particular issue, it should be made clear that the policy would be effective only for the school year. The board may also find it necessary to require that certain actions occur by a specified period of time, failing which responsibility for the matter would revert to the board;
4. Whether the school council is to report on the matter to the board, and if so, by whom; and
5. The extent of the power granted to the school council regarding the matter delegated. For example, does it make recommendations regarding the matter, or does it have full and final authority to handle the matter as it sees fit, such as developing school level policy, if necessary?

As above noted, a delegation made under Section 45 of the School Act must be made by way of board resolution. The resolution itself must contain clear directions and set out any limitations which may be placed upon the exercise of power or on the doing of the act directed by the board. This section may be utilized in order to allow the board to receive feedback, recommendations, or advice regarding school level matters

which must be consistent with board policy. For instance, school councils could be canvassed on issues respecting school rules, attendance, field trips, or programming, allowing school councils to provide input to the board with respect to these matters. For a more detailed listing of the types of areas in which a school council may provide advice and consultation to a principal please see page 4 of Alberta Education's School Councils Handbook.

School councils should no longer be utilized for fundraising activities because the school council regulations prohibit school councils from incorporating under either the Societies Act or Part 9 of the Companies Act. The distinctions between a society or a former parent council which may have been incorporated as a society for fundraising purposes, and a school council established under the School Act are important. The two separate and distinct entities must be used for the purpose for which they were designed, with fundraising functions falling upon the body incorporated to perform the same. For a more detailed discussion of these roles and responsibilities please see Alberta Education's School Councils Handbook, page 9.

The inter-relationship between Section 17(4)(b), School Act and Section 45 is not entirely clear. Presumably, in order to avoid an argument, any delegation made to a school council should be made in accordance with the parameters outlined under Section 45.

What is clear is that a policy making function may be delegated to a school council with respect to various duties, functions or matters that the board may deem appropriate under either Sections 17, or Section 45. If the board does not intend to grant such a broad policy making power with respect to the matter on which it requires advice, consultation, or other input, it must state that specifically.

There are other matters which a board must seriously consider if it wishes to delegate a policy-making function to a school council. If it does so, it must be clear as to the length of time the policy is to be in effect. For instance, is it to be in effect for one school year, for the term of the school

council, or some other specified term? If delegated to the school council without any such restriction on the term, what happens in the event that this policy is inconsistent with other school policy or board policy? Presumably, the board has no control over the matter once it has been delegated, leaving it to the discretion of the school council to determine what is appropriate. The legislation does not address whether a school council can, of its own accord, amend, repeal or replace a policy once an unfettered authority to create that policy has been delegated. Accordingly, caution must be exercised in delegating matters to the school council which involve policy making functions, as presumably, once so delegated, the board has no control over the legality of the same, nor an ability to review the same. Presumably if the board were to retain an ability to review the policy, it would be removing the very power it had endeavoured to grant through the delegation of the policy making power. It would appear to be more prudent to require recommendations regarding policy development from school councils, or alternatively to have school councils involved in policy reviews, so that appropriate feedback could be provided on school related matters. This would allow for consistency of policies between schools, and ensure that there is no conflict with board policy.

F. Reporting, Accountability and Insurability

School councils are not directly nor statutorily accountable or responsible for their decisions to any particular person or party, with the exception of the reporting provision contained in Section 12 of the School Council Regulation. Under that regulation, the school council must report on an annual basis to the board regarding the activities of the school council in the year, its financial statements, and it must also include within the report a copy of the minutes for each meeting of the school council. Alberta Education suggests in its School Councils Handbook that a policy be prepared under which the reporting requirements of the school council are specified. The School Act does not appear to make a school council a separate legal entity, nor make it responsible or liable for its actions. Such an interpretation is consistent with the Government's inclusion under Section 44(1)(b) of the School Act of the requirement for boards to maintain insurance for school councils. Another safeguard presumably will relate to individual liability

which may befall a member of the school council who exceeds his or her jurisdiction through personal actions. Presumably, such an individual would be personally responsible for any damages occasioned by the action taken or not taken.

The School Act does not appear to make a school council a separate legal entity capable of being sued, or commencing its own action, but that is not clear. Nor does the School Act make a school council responsible or liable for its actions.

Alberta Education's School Councils Handbook provides some insight into the Government's interpretation of the concept of "accountability".

In the Handbook, the question is posed, "To whom is the school council accountable? Can the school council be sued?"

The answer to the questions is, "The school council is responsible to the parents and to the community it represents. The school council advises and consults with other school partners. There is no apparent reason for a school council to be sued. Amendments to Section 44 of the School Act 'cover' school councils just as parent advisory councils and school volunteers were covered in the past."

A board is required to maintain insurance in accordance with the provisions of Section 44(1)(b), not only for the purpose of indemnifying the board and its employees, but also in respect of claims against school councils. This provision is presumably necessary given the powers that may be granted to a school council under Section 17. Further, the board may be liable for actions of school councils even where those actions are delegated to the school council under Section 17(4)(b). Therefore, a board cannot be entirely protected from any actions that may be brought against a school council.

G. School Council Policies

Section 17(5) empowers a school council to make and implement policies in the school that the school council considers necessary to carry out its functions. It may, therefore, implement policies which will provide guidance as to how it will communicate with the principal and conduct

itself with respect to any undertaking or matter for which it is empowered under Section 17(4). In other words, a school council can pass school level policy which will outline the ways in which a school council will operate within the school. Policies passed by the school council under this section will regulate its own affairs and apply only to the school for which the council has passed the policy.

School councils are also required to make by-laws providing a conflict resolution process for internal council disputes. In other words, school councils have been enabled to regulate their own affairs through the passing of those policies and by-laws permitted under the School Council Regulation.

These policies are to be distinguished from any policies which the board may request the school council to develop, under Section 17(4)(b) of the Act. This policy making power would be a delegated power received by the school council from the board in accordance with the terms and conditions of the delegation.

IV. BOARD POLICIES

School councils have been formed because parents have expressed a keen interest in having meaningful involvement in their children's education. Accordingly, the board should ensure that policies are in place which will facilitate effective communication between the parties and ensure that all statutory obligations flowing between the two can and will be met.

As above discussed, each board will have to consider implementing policies in the following areas:

1. Appeal and conflict resolution procedures between the principal and the school council.
2. Procedures for filing an annual report of school council activities, obtaining the minutes of meetings of school councils and obtaining any financial statements.
3. Procedures in the event that a school council is dissolved or suspended.
4. Procedures under which communication between the board and the school council will be facilitated.

Samples of each appear in this part of this Policy Advisory Document. They are guidelines only and will need to be tailored to suit local circumstances.

Additional matters to be considered by the board include the following:

1. Whether or not a resolution is required regarding the faith of school council members.
2. Whether or not any particular guidelines for the delegation of matters to the school council are required by the board.
3. Whether any particular directions need to be given to principals regarding the meeting of the statutory obligations outlined under Sections 15 and 17

and what the relationship and expectations of the parties will be *vis-à-vis* the principal's discretion to ensure the carrying out of duties referred to under Section 17(4)(d).

4. The determination and communication of board expectations for sound fiscal management and the provision for periodic audits by the board's administrators of fiscal management practices and procedures at the school level.
5. Educational standards.

The above described matters need not be dealt with by way of policy but should be addressed by the board so that all relevant parties are clear with respect to these operational matters which will certainly impact the board's relationship with school councils, and its principals.

What follows are sample policies, guidelines and resolutions to assist you in implementing those changes which may be required to allow your board to work in a meaningful manner with school councils.

A. Sample Policy Statements

The following pages contain policy statements which your board may use in formulating its own policies regarding school councils. The four areas which will likely be mandated by the Government of Alberta, and which are outlined on page 21 of this document have been addressed (appeal and conflict resolution; filing a report, dissolution or suspension provisions; and communication between the board and school council). The following are policy statements which boards may combine into a single policy on school councils or address in separate policies.

If the board has adopted the A.S.B.A. Policy Codification System, the following codes may be utilized.

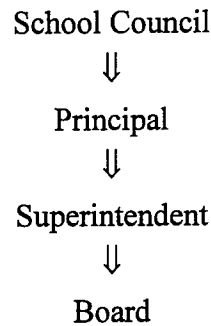
JMA	School Councils
JL	Public Complaints
ABA or (JC)	Community Involvement in Decision-Making
BDDH	Public Participation at Board Meetings
BFA	Policy Development System
CF	School Building Administration
CM	School Jurisdiction Annual Report
DIE	Audits (External/Internal)

B. Communication Between the Board and the School Council

The board believes that school councils are an important link between the board and the school communities throughout the jurisdiction. The board believes that school councils can bring critical perspectives about education, the needs of the school, and concerns of the community to the board. The board believes that each school council brings a distinct voice and broad representation to the dialogue on students' learning.

1. The board shall provide opportunities for dialogue with school councils through meetings between the board and school council chairman.
2. The board shall initiate meetings with each school council chairman.
 - a) The schedule for these meetings shall be determined at the board's organizational meeting.
 - b) School councils shall be notified of the meeting schedule.
 - c) School councils shall be informed of the agenda items that the board wishes to discuss one month prior to the scheduled meeting date. School councils shall submit their agenda items two weeks prior to the scheduled meeting date. The Superintendent, in consultation with the board chairman, shall prepare and circulate the agenda to the board and school council five (5) days prior to the scheduled meeting date.
 - d) Following the meeting the Superintendent shall ensure that an accurate summary of the discussion is provided to the board, school council, chairman and principals.
3. The board acknowledges that school councils may require a formal route to inform the board of a concern on a specific matter.
 - a) School councils shall determine whether an issue can be resolved within the administrative structure or must, in their opinion, be discussed with the board.

- b) The communication channel shall be:



- c) If the school council decides that an appearance before the board is necessary the school council chairman shall request in writing, a time at which to appear before a scheduled meeting of the board, and provide an outline of the issue to be discussed.
- d) The school council request shall be included on the agenda of a regularly scheduled meeting and the school council chairman will be invited to make a presentation to the board.
- e) The board will hear the presentation, may ask questions for clarification, and will reserve its decision until the next regularly scheduled meeting of the board.
- f) In exceptional circumstances, the board may waive the requirements of the regulations.

C. Conflict Resolution and Appeal Procedures Policies

Note: Section 17(7.1) of the School Act requires boards to establish either an appeal process or a conflict resolution procedure. Either procedure can be established by way of policy. The establishment is mandatory. Its purpose is to allow the principal or school council to apply to the board for a determination or resolution of a dispute regarding policies proposed or adopted for a school.

Note: The board may in accordance with Section 45 of the School Act delegate its ability to hear the appeal to either a committee of the board, or to the Superintendent.

Any appeal to the Superintendent should also be final and binding avoiding any two-tiered appeal process. The delegation to either a committee of the board or the Superintendent must be clear in its terms and set out the authority of the committee or Superintendent which should be final and binding.

What follows is a sample appeal procedure under Section 17(7.1), for use by a board.

Appeal Procedures for Disputes on Policies Proposed or Adopted for a School Between a Principal and a School Council.

The board encourages the principal and the school council to utilize the appeal procedure established in this policy whenever a dispute arises between the principal and the school council regarding policies proposed or adopted for the school.

In the event of such a dispute, either the chairman of the school council or the principal may submit a written appeal to the board regarding the dispute, within a reasonable time from which the dispute arose.

1. When the need to hear an appeal arises, the board or a committee established by the board to hear the appeal, shall establish a hearing date, time, and place which allows the parties to the appeal sufficient notice to prepare for the appeal. This may include arranging to be represented by legal counsel.
2. The appeal shall be heard by the board or a committee established by the board. The Secretary-Treasurer and Superintendent and/or their designates may be present to assist the board or committee, except in cases where it is their decision that is being appealed. In that circumstance, they shall attend to make representation to support their position.
3. The chairman of the board or committee established by the board to hear the appeal shall be guided by the following:
 - a) Introduction of participants to the hearing;
 - b) Explain the purpose of the appeal hearing;

- i) To provide an opportunity for both parties to make representations surrounding the disputed issues, and in support of their position before a decision on the appeal is made;
 - ii) To permit each party to hear the other party and to respond to statements as presented by the other party; and
 - iii) To allow trustees to know the facts and disputed issues, and to hear any evidence or information they deem relevant prior to making the decision in respect of the appeal.
- c) The school council chairman and the principal will be given an opportunity to review their positions regarding the dispute on the policy proposed, or adopted for the school, and the issues surrounding the dispute. The party making application for the appeal shall proceed first and be given a full and ample opportunity to raise concerns before the board. The other party shall then be given ample opportunity to explain the party's position to the board regarding the disputed matter.
- d) In the event that the Superintendent has been asked by the parties to the appeal to give a decision with respect to the disputed matter, the Superintendent shall be entitled to make representations regarding his findings and his recommendation as to resolution of the dispute to the board.
- e) Each party to the dispute shall be given ample opportunity to respond both to the concerns raised by themselves with respect to the dispute, and the Superintendent's proposed resolution of the dispute.
- f) Board members and executive staff may question the parties to clarify the facts.
- g) The board or committee established by the board will discuss the matter in the absence of the parties and executive staff.

- h) The board or committee established by the board will make a decision in respect of the appeal and advise the parties in writing regarding the decision and the reasons for that decision.

D. Conflict Resolution Procedure

Section 17(7.1) of the School Act allows the board, as an alternative, to establish a conflict resolution procedure. This procedure may provide greater flexibility to the parties and avoid the formalities of an appeal. However, whatever procedure is adopted by the board must be clear, and provide a convenient forum for access to both the school council and the principal. A component of a conflict resolution procedure could involve mediation with the board or designate from the board acting as the mediator. If a mediation format is chosen the conflict resolution procedure should include a mechanism under which a final and binding decision can be made by the board or their designate in the event that the mediation steps fail.

The use of a mediator is only one possibility. The board will have to determine which form of resolution it feels is most appropriate in the circumstances to deal with disputes between a school council and a principal regarding policies.

E. School Council Reporting Requirements

The board requires the school council to submit to the board by October 15 of each year, for the preceding school year, copies of:

1. financial statements of any money handled by the school council;
2. a report outlining the activities of the school council; and
3. minutes of each meeting.

The board encourages school councils to contribute, through the principal, to jurisdiction newsletters and the annual report by submitting articles outlining:

1. significant accomplishments at the school;
2. major events or projects at the school; and
3. results of studies undertaken.

F. Dissolution of School Council

The board may request the Minister to dissolve a school council if the Minister is of the opinion that the school council is not carrying out its responsibilities. The board may request the Minister to dissolve a school council if one of the following negative conditions prevail:

1. fraudulent, criminal or unethical behaviour;
2. internal dissension affecting morale;
3. adversarial relationships with staff;
4. refusal to follow the policies of the board or to carry out its responsibilities in accordance with the School Act and Alberta Education Regulations;
5. disruption of the educational climate; or
6. unresolved disputes between the school council and the principal

G. Requirements of School Principal Relative to Dissolution or Suspension of School Council

The board requires the principal to take all reasonable steps to establish an advisory committee for the school if the school council is dissolved, suspended or if establishment is unsuccessful, in accordance with Alberta Education Regulations.

1. Membership of the advisory committee shall include:
 - a)
 - b)
 - c)
2. The principal, in consultation with the advisory committee, shall establish:
 - a) meeting dates and locations;
 - b) meeting procedures; and
 - c) officers.
3. The advisory committee shall assume duties and functions delegated by the board to school councils.

H. Guidelines for a Delegation of Duties or Tasks to School Councils

The board recognizes that the expectations within communities may require schools to respond in ways that are different from those employed in other schools in the school jurisdiction. Therefore, the board may delegate specific duties to a school council(s) from time-to-time.

The board shall specify the parameters for delegation within the following framework:

1. Powers

The type of power being delegated shall be specified within the following parameters:

- a) to consider and make a recommendation regarding a particular subject to the board;
- b) to investigate a certain matter and report the facts and the school council's opinions regarding the matter to the board;
- c) to take some specific action on behalf of the board and report to the board on the action taken. Any limitations on the delegation of the power to the school council must be specified within the resolution delegating the required duty or task;
- d) to represent the board in a certain manner; and
- e) to adhere to any particular jurisdictional board policies or procedures.

2. Budget

The board shall establish those financial limits to which the school council can commit or expend funds on behalf of the board.

3. Timeline

The board shall establish dates by which the school council shall report to or complete the duty or task allocated to it by the board.

I. School Councils And Principals

Note: If a board is to adopt a policy of this nature, it should keep in mind the requirements under Alberta Education Policy 1.8.2, entitled School-Based Decision Making. Under this policy school boards are mandatorily required to implement policies

and procedures for school-based decision making in those areas defined within the policy. The policy must be consistent with any policy regarding the role of the school council relative to the principal.

J. Role of the School Council Relative to the Principal

The board holds the principal responsible and accountable to the Superintendent and ultimately to the board for all activities within the school. However, the board requires the principal to seek support and advice from the community through the school council. The board values school council advice in the following areas:

1. Creating an atmosphere in which community members are encouraged to share their ideas with school staff.
2. Contributing to the curricular program by sharing their knowledge, expertise and skills with students and staff.
3. Providing financial assistance to enhance student learning experience.
4. Advocating the jurisdiction's mission, beliefs and values in the communities around the schools.
5. Creating a school context for student learning such as providing input relative to:
 - a) school philosophy;
 - b) school climate; or
 - c) school rules.
6. Identifying services in the community to enhance student learning:
 - a) use of community resources (speakers, materials, sites for visits or partnerships);
 - b) counselling;
 - c) enhancement of programs; or
 - d) specialized services.
7. Interpreting the meaning, use and dissemination of test scores to parents and the community.

8. Identifying priorities for use of school facilities and equipment and offering suggestions for fees.
9. Offering suggestions for priorities for educational programs within the context of board mission and mandate and meeting the minimum requirements of Alberta Education.
10. Offering suggestions on school budget priorities, expenditure allocations, and fees that the board is entitled to charge, including fees for the provision of instructional materials or supplies.
11. Identifying student fund-raising activities that would be acceptable to the community and making those recommendations to an appropriate fund-raising entity.
12. Reviewing and making recommendations relative to the local selection of learning materials.
13. Recruiting volunteers for activities in support of schools.

Financial Reporting Requirements

The school council may 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.

The board requires the principal to provide the school council with periodic financial statements on a schedule of dates agreed to by the principal and the school council. The principal shall ensure that all financial statements are made in accordance with any requirements imposed by the board and the Superintendent.

Educational Standards

1. The board requires the principal to solicit input from the school council regarding ways to improve education at the school level. The principal shall provide the school council with a summary of data of:

1. results of achievement tests; and
 2. results of diploma examinations.
2. The principal shall make available to the board, a written report containing recommendations and feedback regarding the summary of local test results and any community concerns respecting the results..
 3. The school council may 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. The board requires the principal to provide summaries of test data to the school council within ten days of a request.

K. Resolution: Faith of School Council Members

Sample Resolution

BE IT RESOLVED that the board require that the parent members of each school council be of the Roman Catholic faith.

V. ALBERTA REGULATION 124/95 SCHOOL COUNCILS REGULATION

THE ALBERTA GAZETTE, JUNE 15, 1995

Alberta Regulation 124/95
School Act
SCHOOL COUNCILS REGULATION

Filed: June 1, 1995

Made by the Minister of Education (M.O. 031/95) pursuant to section 17(9) of the School Act.

Table of Contents

Definitions	1
Notice of establishment meeting	2
Holding of an establishment meeting	3
Chair and secretary at establishment meeting	4
Agenda at establishment meeting	5
Right to vote at establishment meeting	6
Members of a school council	7
Faith of council members	8
Remuneration of council members	9
Prohibition against incorporation	10
School council officers	11
Duty to report to the board	12
Date for first meeting of a school council	13
Suspension of a school council	14
By-laws of a school council	15
Fees prohibited	16
Exemptions	17

Definitions

1 In this Regulation,

- (a) "Act" means the *School Act*;
- (b) "board" has the meaning given to it in the Act;
- (c) "parent advisory council" means a group of persons established before the coming into force of this Regulation that provides advice to the principal of a school, but does not include a group that has been established for the sole purpose of raising money for the school;
- (d) "school community" means
 - (i) students enrolled in the school and their parents,
 - (ii) children enrolled in an Early Childhood Services program at the school and their parents,
 - (iii) the school staff, and

THE ALBERTA GAZETTE, JUNE 15, 1995

ALTA. REG. 124/95

SCHOOL

(iv) other persons who have an interest in the school.

Notice of
establishment
meeting

2(1) If a school has a parent advisory council, the principal must, after consulting with that council, give notice to the following persons of a meeting to be held for the purpose of establishing a school council for the school:

- (a) a parent of each student enrolled in the school;
- (b) a parent of each child enrolled in an Early Childhood Services program at the school;
- (c) the school staff;
- (d) other members of the school community who, in the principal's opinion, should be given notice.

(2) If a school has no parent advisory council, the principal must give the notice required under subsection (1) on his own initiative.

(3) The notice must

- (a) describe the purpose of the meeting, and
- (b) set out the time, date and location of the meeting.

(4) The notice must be given at least 21 days before the date of the meeting.

(5) The notice to persons referred to in subsection (1)(d) only

- (a) may be posted in 5 or more locations that are accessible to the public in the area around the school, or
- (b) may be advertised in a publication that is circulated to the general public in the area around the school.

Holding of an
establishment
meeting

3(1) Each school must hold an establishment meeting not later than February 15, 1996.

(2) If there are fewer than 7 parents in attendance at an establishment meeting or if an establishment meeting is not successful in establishing a school council, the principal may establish an advisory committee for that year.

(3) If a school is unsuccessful in establishing a school council, a meeting must be held not later than 60 days after the start of the next

THE ALBERTA GAZETTE, JUNE 15, 1995

ALTA. REG. 124/95

SCHOOL

school year for the purpose of establishing a school council for that school.

Chair and secretary at establishment meeting

4(1) If a school has a parent advisory council, the principal must, after consulting with that council, decide who is to act as the chair and who is to act as the secretary at the establishment meeting.

(2) If a school has no parent advisory council, the principal must make the decisions required under subsection (1) on his own initiative.

Agenda at establishment meeting

5 The persons attending an establishment meeting must

- (a) decide, subject to section 7(4), the size of the school council,
- (b) decide on the term of office of each member of the school council, and
- (c) elect the members of the school council referred to in section 7(1)(d).

Right to vote at establishment meeting

6 Only persons who attend the establishment meeting and are

- (a) parents of students enrolled in the school, or
- (b) parents of children enrolled in an Early Childhood Services program at the school

are entitled to vote on matters raised at the meeting.

Members of a school council

7(1) Each school council must consist of the following members:

- (a) the principal of the school;
- (b) at least one person who is a teacher at the school, elected by the teachers at the school;
- (c) if the school is a senior high school, at least one person who is a student enrolled in the school, elected by the students enrolled in the school;
- (d) parents of students enrolled in the school, elected by parents who attend the establishment meeting;
- (e) at least one person appointed in accordance with subsection (2) or elected in accordance with subsection (3).

THE ALBERTA GAZETTE, JUNE 15, 1995

ALTA. REG. 124/95

SCHOOL

- (a) parents of students enrolled in the school, and
- (b) parents of children enrolled in an Early Childhood Services program at the school

who vote at a special meeting of the school council called for that purpose.

- (3) The by-laws continue in force from year to year unless
 - (a) they are amended at a special meeting of the school council called for that purpose, and
 - (b) the amendment is approved in accordance with subsection (2).

Fees prohibited

16 No school council shall be charged a fee for the use of the school or school facilities for the purpose of holding a meeting of the school council.

Exemptions

17 The following are exempt from the application of section 17 of the Act and this Regulation:

- (a) a school for resident students of the Government as described in section 27(6) of the Act that is provided in an institution approved by the Minister;
- (b) a school for students that is provided in an institution approved by the Minister.

VI. BIBLIOGRAPHY

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Alberta Regulation 124/95

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