



Association of Independent Schools and Colleges in Alberta

#201, 11830 - 111 Avenue, Edmonton, AB T5G 0E1
Telephone: 780.469.9868 Fax: 780.469.9880

Website: www.aisca.ab.ca
E-mail: office@aisca.ab.ca

November 6, 2009

Mr. Keray Henke
Deputy Minister of Education
7th Floor Commerce Place
10155 - 102 St.
Edmonton, AB T5J 4L5

COPY

RE: AISCA Submission Regarding the School Act Review

Dear Mr. Keray Henke:

Please find attached the Association of Independent Schools and Colleges in Alberta's (AISCA's) *Submission Regarding the School Act (Submission)*. The Association appreciated your willingness to accept AISCA's *Submission* one week after the initial October 30 target date. This allowed AISCA members who attended the Annual General Meeting on October 30 in Edmonton to consider recommendations included in the document.

The attached *Submission* is founded on a number of key concepts, many of which AISCA believes it shares with other education stakeholders. In the view of AISCA, an amended *School Act* should:

- be enabling, but in the interests of transparency and democracy, include principles and criteria the Minister should apply when making regulations;
- strengthen the right of all children to access quality opportunities to learn and maximize their individual potential;
- more strongly recognize the primary right and responsibility of parents to make decisions about the education of their children, a right balanced only by the obligation of the province to ensure the efficiency of those educational decisions;
- more appropriately re-define private schools as independent schools;
- in the interests of choice and diversity, strengthen the parental right to educate their children in a school of their choice, including independent schools, charter schools and alternative programs;
- enable the Minister to make regulations, after due consultations, about the provision of wrap-around services to ensure that children have the best possible opportunities to be healthy, safe, enjoy and achieve, make a positive contribution and achieve economic well-being;
- better enable competent individuals with appropriate professional or technical expertise to provide a wider range of knowledge, skills and attitudes to students under reasonable supervision from teachers with expertise in pedagogy and allow for administration of independent schools by leaders without teacher certification; and,

- identify more explicitly provisions of the *Act* which apply to independent schools.

AISCA and its member schools and supporting parents and communities appreciate the opportunity to participate in the review of the *School Act*.

Sincerely,

Duane Plantinga
Executive Director
Association of Independent Schools and Colleges in Alberta

CC. Ms. Maureen Towns, Director, Legislative Services Branch

Attachment: *AISCA Submission Regarding the School Act Review,
November 4, 2009*

Submission Regarding the *School Act* Review

Association of Independent Schools and Colleges in Alberta (AISCA)

November 6, 2009

Introduction

The Association of Independent Schools and Colleges in Alberta (AISCA) commends the Minister of Education for initiating the Inspiring Education process and for engaging in consultations aimed at amendment of the *School Act (Act)*. AISCA appreciates the opportunity to provide views on behalf of its member schools about directions and principles that should characterize an amended *Act*.

This document reflects AISCA deliberations concerning views and principles that should animate an amended *Act*.

The *School Act* as Enabling Framework for Alberta's Education Principles

AISCA is of the view that the amended *Act* should have a number of characteristics. It should reflect a vision of basic education that enables implementation of the values underlying the *Inspiring Education* consultations and enable implementation of the shared education governance structure envisioned by respondents to the consultations. Also, the amended *Act* should be sufficiently substantive to provide a sound statutory basis for the governance and operations of the education system.

In addition to reflecting values and principles reflective of *Inspiring Education*, AISCA believes that any new or amended *Act* must reflect the complex landscape characteristic of any education system. It must define the roles and responsibilities of students, parents, schools, school authorities, and school authorities' leadership and teaching staff. In addition it must balance government's and school authorities' roles in prescribing curriculum as well as provide statutory authority for dispute resolution processes if conflict arises in respect to various roles and responsibilities.

It is the view of AISCA that in those instances in which the amended *Act* may authorize the Minister to make regulations, then the *Act's* provisions should state the principles and criteria the Minister must apply when making regulations in specific areas. In taking this view, AISCA notes that unlike statute, regulations may come into force or may be amended without the very public and transparent review, due consideration, and enactment characteristic of the enactment of statute by members of the Legislative Assembly of Alberta.

<p>Recommendation 1: The amended <i>Act</i> should, as explicitly as possible, state the principles and criteria the Minister must apply in respect to making regulations under the <i>Act</i>.</p>
--

Students

It is the view of AISCA that all children have a right of access to quality opportunities to learn, and the responsibility to take advantage of those opportunities. This right is recognized in the *Universal Declaration of Human Rights*, to which Canada and Alberta are signatories.

To strengthen the right of access, an amended *Act* should move from the Preamble of the current *School Act* to a section of the *Act* the requirement that "the best educational interests of the student are the paramount consideration" and then add "in the interpretation of this *Act*." This recommendation is made to give statutory force to the noble statement in the *Act*.

Access to quality educational opportunities should include the right of all children aged five (5) to access at least a half day per school year of publicly funded, kindergarten programming to enable them to develop the pre-conditions for learning commencing at age six (6). This change, though minimal, is consistent with the research literature that suggests many children’s learning benefits from the skills provided by early childhood learning.

Inclusion of kindergarten programming would require amendment of the current Section 8(1)(a) to allow access to kindergarten; however, the current Act’s Section 13(1) should not be amended, thereby continuing to allow parents to make decisions about whether their children should participate in kindergarten.

Currently, Section 8 of the *School Act* defines the right of students to access an “educational program.” The amended *Act* should broaden this right to include, as appropriate, access to a special education program, including the right to access early childhood learning programming in instances where the needs of the individual child dictate such programming is necessary to enable the child to learn.

In respect to student responsibilities, Section 12 of the current *Act* outlines the conduct expected of students. AISCA believes this section ought to remain in force. The code of conduct described in the *Act* has the virtue of guiding student conduct without being overly prescriptive.

Any amended *Act* ought to provide children with access to basic education opportunities to age 19 as does Section 8 of the current *Act*. However, the compulsory education provisions, Section 13(1) of the current *Act*, should be amended to allow parents to withdraw a student (or, as appropriate, the student himself to withdraw from schooling) at such time as the student has achieved qualifications for admission to a post secondary education program approved by the Minister of Advanced Education and has received admission to such an approved program or to work-place training.

The rationale for inclusion of the reference to admission to a post secondary institution or to work place training is to signal the purpose of minimum school leaving requirements. While the age 16 minimum school leaving age is reasonable, it is arbitrary. Connecting school leaving with acceptance to an approved post secondary or further education program or to employment, makes explicit the minimum social purposes of education from the perspective of society’s needs. Society, of course, at minimum, requires individuals to develop sufficient knowledge and skills as well as necessary attitudes to enable young people to become contributing members of society. An emphasis on at least the minimum social purposes of a basic education may encourage students, as well as post-secondary institutions and employers to re-think criteria for admission to programs of further study, as well as specific requirements for success in the world of work that transitional work place training would provide. The reference to the minimum school leaving age of 16 may be maintained as a condition if the criteria respecting admission to further education or to the world of work have not been met.

In this context as well, the emphasis placed on the education system’s desire to maximize students meeting graduation requirements, school leaving, ought to be defined – not in terms of credit units earned – but in terms of a student having successfully met admission requirements to an acceptable post secondary program or has been accepted into workplace training.

Recommendation 2: The amended *Act* should move from the Preamble of the current *Act* to a section of the *Act* with statutory force the requirement that “the best educational interests of

the student are the paramount considerations” and then add “in the interpretation of this Act.”

Recommendation 3: Section 8(1)(a) of the current *Act* should be amended to allow all children aged five (5) access at least a half day per school year of publicly funded, kindergarten; however, the current *Act*’s Section 13(1) should not be amended thereby continuing to allow parents to make decisions about whether their children should participate in kindergarten programming.

Recommendation 4: Section 8 of the current *Act* should be amended to entitle an individual who meets the criteria of the section “to an education program, or as appropriate to a special education program, including an early childhood learning program in cases where the needs of an individual child dictate such programming is necessary to enable the child to learn.

Recommendation 5: Section 12 of the current *Act* which outlines the conduct expected of students should remain as is.

Recommendation 6: Section 13 of the current *Act* should be amended to allow parents to withdraw a student (or, as appropriate, the student himself to withdraw from schooling) at such time as the student has achieved qualifications for admission to a post secondary education program approved by the Minister of Advanced Education and has received admission to such an approved program or to a workplace training program. The reference to age 16 should be maintained as a criterion applicable if the student has not qualified for admission to a post secondary education program or has not entered the world of work.

AISCA believes that the kinds of amendments recommended above would honour the values of “opportunity,” as well as “fairness” signaling that Alberta’s education system recognizes the need for equity of opportunity and creating opportunities for all students to fulfill their potential.

Parental Right and Primary Responsibility for the Education of Children

AISCA is of the view that parents have the primary responsibility for the education of their children and that this right is balanced only by the legitimate right of the Province to ensure that the parents’ decisions respecting the education of their children are effective in providing children with the competencies needed by citizens of a complex, diverse and democratic society.

The current *Act*’s Preamble, in part, states “Whereas parents have a right and responsibility to make decisions respecting the education of their children....” The Preamble of a statute does not have the force of law. AISCA believes that an amended *Act*, in one of its early sections that has the force of statutory law, should explicitly state “parents have a right and responsibility to make decisions respecting the education of their children” and this right and responsibility is only circumscribed by society’s responsibility to ensure that parental decisions are, at minimum, effective in ensuring that children have the opportunity to learn the knowledge and skills and develop the attitudes necessary to citizenship in a complex, diverse and democratic society.

Parents primary right and responsibility for the education of their children must be exercised in the context of the compelling interest of the province to ensure that parents’ educational decisions are effective. *R. v. Jones* ([1986] 2 S.C.R. 284) recognizes the rights of parents to make educational choices

for their children and the state's compelling interest in ensuring that parents' educational choices are effective. In the case of *R. v. Audet* ([1996] 2 section C.R. 171) the Supreme Court majority in making its decision quoted directly from *R. v. Forde* ([1992] O.J. No. 1698 Gen. Div.) to the effect that "parents entrust the teacher with the parent's responsibilities, preparing the youths to compete and to contribute and to develop the individual talents in this very difficult world, both in our own community, in our national community and in the international community, an extremely difficult time for young people and their parents." Because teachers normally are employed by school authorities to deliver instruction, by extension, the courts implicitly recognize the responsibility and right of parents to choose education programs and schools that provide the education parents deem appropriate to prepare their children for the challenging world to which the courts refer.

The parental right to make educational decisions for their children may be balanced by also including in the amended *Act* reference to the compelling interest of the state to ensure that parental educational choice is effective in providing children with the knowledge, skills and attitudes deemed necessary to citizenship in a democratic society.

Recommendation 7: The amended *Act* should include, in one of its early sections that has the force of statutory law, the provision that "parents have a right and responsibility to make decisions respecting the education of their children balanced with the government's interest to ensure that all children have the necessary knowledge, skills and attitudes as citizens."

School Choice

AISCA appreciates that the Inspiring Education consultation process recognizes "choice" as one of its core values. In keeping with this value, AISCA believes that an amended *Act* should explicitly reflect parents' right to decide to have their children educated through a range of schools. To better reflect choice, a new section should be introduced to an amended *Act* that recognizes parental rights and the range of schooling choices available to them. Such a section may read: "Parents (or as appropriate, independent students) have a right to educate their children through a school of their choice." A section like this would require that the definition of school provided in Section 1(1)(y) of the current *Act* be kept in place.

Recommendation 8: The amended *Act* should include a new section that provides "parents have a right to educate their children through a school of their choice."

Independent not Private Schools

Connected to the matter of definitions and terminology, AISCA proposes that the definition currently in Section 1(1) be amended. In place of the current sub-section 1(s) defining a "private school," an amended *Act* should refer to "'independent school' to mean a school operated by a society or not for profit corporation registered under [reference to the appropriate section number] of the *Act*."

The rationale for this proposal is that schools operated by societies or non-profit corporations are established by parents and communities of interest who hold specific beliefs about education methodology, beliefs or philosophical worldviews that they believe are not represented by public or Catholic schools. Such communities of interest are not private; they represent sub-sets of Alberta's

people who wish to exercise educational choice for their children. Further, schools operated by such sub-sets are not private; they are governed by society boards or not for profit boards that represent education perspectives independent of the majority of the population which, of course, remains free to entrust the education of their children to public and Catholic authorities.

Furthermore, funded accredited independent schools should be viewed as independent rather than private because they serve the public interest by delivering the program of studies approved by the Minister and, in return for limited public funding, such schools also agree to accountability measures applicable to public and Catholic school authorities. In delivering the approved program of studies and complying with public accountability requirements, independent schools recognize the legitimate interest of the province to ensure that instruction is effective but do so in school environments animated by methodological or world views not necessarily shared by the majority of Albertans. Such schools should best be characterized as independent, not private. An amended *Act* should refer to such schools as independent similar to the way in which British Columbia legislation defines an "independent school."¹

Recommendation 9: The definitions section of the amended *Act* should refer to "independent school" rather than 'private school' to mean a school operated by a society or not for profit corporation registered under [reference to the appropriate section number] the *Act*; and thereafter the term independent school should refer to schools in any section of the *Act* in which reference is made currently to the term private school.

Diversity

Section 3 of the current *Act* is preceded by the heading "Diversity in shared values." Elsewhere in the current *Act*, provision for independent schools is made.

However, the legitimate role of independent schools appears to be only recognized somewhat grudgingly and somewhat inaccurately. For example, the Preamble to the current *Act* speaks of "one publicly funded system of education" the primary mandate of which "is to provide education programs to students through its two dimensions, the public schools and the separate schools..." The Preamble makes no mention of the legitimacy of independent schools given the parental right and responsibility to make educational decisions for their children.

Alberta's education system has more than two dimensions. Parents in Alberta's diverse society currently have the opportunity to have their children educated through a number of schooling options. They now may educate their children through home schooling, alternative programs, independent schools, charter schools and public or separate schools. This legitimate flexibility in the delivery of education, recognized in the current *Act*, should be further recognized and enhanced in an amended *Act* given that at least partial public funding is available for all these forms of schooling. The Preamble of the amended *Act* ought to reflect the diverse educational choices available to parents. At minimum, the Preamble should reflect this reality by amending the third paragraph of the Preamble to read "Whereas there is one publicly funded system of education in Alberta whose primary mandate is to provide education programs to students through the public and separate schools, and whereas parents may choose to educate their children through schools other than public and separate schools in such a way that rights guaranteed under the Constitution of Canada, including the rights of separate school electors, are preserved and maintained; and..."

Recommendation 10: At minimum, the Preamble in the amended *Act* should clearly state that parents have a right to choose for their children education programming through schools other than public and separate schools.

Some parents and their communities of interest choose to express their diverse views about education by enrolling their children in alternative programs provided by public authorities.

Over the last few years, a number of societies that operated independent schools have entered into agreements with public school authorities under which public boards agree to provide alternative programs under Section 21 of the current *Act* to children of the community represented by the societies. Agreements between societies and boards often provide that the school buildings and facilities owned by the societies are leased by the public school authority responsible for delivering educational programs. However, in some instances where facilities have been leased to public authorities, it appears that school authorities are not providing funds, or funds proportionate to the number of students enrolled in alternative programs, to the societies with which they have entered agreements for the maintenance of facilities housing specific alternative programs. Thus, while government is providing full public funding for students enrolled in alternative programs to school authorities, students enrolled in such programs (and by extension their parents and supporting communities) are not fully benefiting from public funding provided by government. It may be that some public school authorities are unduly profiting from delivery of alternative programs in facilities owned by societies.

At this time, AISCA has only limited, often anecdotal, information about issues surrounding agreements between societies (or not for profit corporations) and public school authorities respecting the delivery of alternative programs. However, it may be appropriate for the Minister to review all such agreements and also to include in an amended *Act* Ministerial authority to make regulations that could be used in future, if appropriate, to ensure that agreements between societies and public authorities in respect to the delivery of alternative programs are fair and reasonable and appropriately compensate societies for the use of buildings and facilities housing publicly funded alternative programs.

Recommendation 11: Alberta Education review agreements between societies and public school authorities respecting the provision of alternative programs and that a new *Act* include amendments whereby the Minister may make regulations governing such agreements to ensure that they are fair and reasonable and to ensure that students receive equivalent infrastructure support by way of appropriate compensation to societies for the use of buildings and facilities owned by societies (or not for profit corporations).

School Authorities, Communities and Wrap around Services

It takes a whole community to raise a child. AISCA agrees with this philosophy and shares the perception of many Albertans that community resources and services – those available through non-government actors and services provided by various levels of government, for example health, child safety, social services, community recreation, cultural and arts opportunities – often are conceptualized and delivered independently of formal education. AISCA agrees that services to children and their families need to be re-conceptualized and delivered in a more seamless manner that focuses on the needs of children and their families.

To better ensure the well-being and opportunities for success of every child, Britain introduced the *Every Child Matters* (2003) policy framework which mandates that every child has a basic right to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being. To ensure that children enjoy these basic rights, Britain has put in place an outcomes framework that legislatively requires agencies engaged with children to work collaboratively and in partnership in the best interests of children.

AISCA believes that a similar framework ought to be implemented in Alberta and an amended *Act* ought to enable collaborative delivery of needed services to children and their families in a seamless manner. To provide such seamless or wrap around services to children, a number of enabling measures would have to be incorporated into the new *Act*. A new *Act* should provide the statutory basis:

- To require school authorities – both public and separate school boards and independent schools – to participate in formal regional/local partnerships that aim at coordinating partnership initiatives that ensure children have the best possible opportunities to achieve self-fulfilling lives and economic well-being in a democratic society.
- For inclusion in school authority staff job descriptions - those of leaders (superintendents, principals), counsellors, teachers and teaching assistants – of provisions whereby all are expected to work collaboratively with other agencies – health, social and child services staff, safety and justice agencies as well as out of school recreation and arts agencies – to create conditions and environments that promise to provide children with the best possible opportunities to grow and develop as autonomous citizens in a democratic society.
- For requiring that publicly funded infrastructure, school buildings and properties, must be made available to non-education agencies for uses in the best interests of children during the school day and must be made available to community agencies and groups on a not-for-profit basis after school hours.
- For school authority leadership (superintendents and principals), counselling and teaching employees to share information about children and their families under specified circumstances with other agencies when the best interests of a child or children are of concern; and, for the protection of school authority staff from frivolous or vexatious legal action when sharing information and acting, in good faith, in the best interests of a child or children.
- For the secondment of expert staff from non-education government agencies and departments to school authorities to better address the needs of children and their families in a seamless manner.
- For the definition of schooling to be amended whereby engagement by non-education authority with a child or children is deemed education where that engagement with the child aims at addressing needed pre-conditions for learning or creating conditions conducive to learning.
- For the funding of umbrella partnership organizations charged with coordination of seamless services to children and their parents.
- For the funding and implementation of accountability processes collaboratively developed and implemented by education partners whereby the efficacy of seamless services to children may be measured.

To create the structures necessary to enable communities to respond in seamless ways to the needs of children and their families, the statutes governing other government departments and agencies as well as non-government service providers also would have to be amended.

At this stage, AISCA recommends that the amended *Act* create the legislative room whereby such seamless services to children may in future be implemented.

Furthermore, AISCA recommends that Alberta Education forthwith engage in consultations aimed at creating made in Alberta structures and mechanisms to realize the envisioned collaborative and seamless delivery of services to children and their families.

Recommendation 12: The amended *Act* should include provisions enabling the Minister to make regulations – following consultations with education partners, including representatives of independent schools – that provide for the seamless delivery of collaboratively developed and delivered health, social and other services aimed at ensuring that children have the best possible opportunities to achieve self-fulfilling lives and economic well-being in a democratic society.

Recommendation 13: The Minister of Education engage with Cabinet colleagues in processes aimed at the amendment of legislation governing other government departments to enable the delivery of seamless services aimed to ensure that children have the best possible opportunity to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

Teaching and Educational Leadership

AISCA understands that owing to an existing agreement between Government and the Alberta Teachers' Association (ATA), any proposed amendments to the *School Act* in the short term, (2010), will not include changes to provisions respecting the employment of certificated teaching personnel or those who supervise such personnel.

Notwithstanding the existing agreement, AISCA believes that an amended *Act* should, at minimum, include provisions that, in the future, would enable the Minister to make regulations whereby school authorities are empowered to employ individuals, other than those who hold professional teacher certification, to teach under specified conditions.

In this context, AISCA believes that students from Kindergarten to Grade 9 should continue to be taught by certificated personnel. Similarly, core programs of study including English or French, mathematics, social studies and the sciences at the high school level should continue to be taught by certificated personnel who have completed an acceptable teacher preparation program and hold professional teacher certification.

Furthermore, AISCA also is of the view that those directly responsible for supervising teaching, school principals and superintendents of schools, should continue to be required to hold valid Alberta teacher certification.

However, AISCA also is of the view that students would benefit from teaching and instruction provided by individuals who hold professional, occupational, technical and experiential qualifications, other than current teacher certification requirements, that may well suit them to deliver knowledge, skills and attributes of benefit to students. Furthermore, in order to more fully benefit from learning

opportunities, some students require the services of qualified individuals who do not hold teacher certification.

Some students require the intervention of clinical psychologists, speech therapists, psychiatrists and other medical personnel to help them learn. For example, clinical psychologists may be in the best position to provide students with meta-cognitive thinking skills or learning adaptations some students need in order to cope with a range of special learning needs. Provision of support to students that enable them to learn should be deemed a form of teaching and when provided by qualified professionals should be deemed teaching. Those providing support to students that help develop conditions for learning should be recognized as teaching and the time allocated to students to assist them to better learn should be considered instructional time.

The provision of career counselling as well as career and life skills programs to students by professionally qualified individuals with current human resource expertise in specific industries and business environments also should be recognized as suitable qualifications for purposes of teaching students at the high school level. Individuals with the qualifications outlined may be much more knowledgeable and current in respect to real-life employment and life-work balances than teachers whose primary experience is school-based.

Work place learning – for example, culinary arts training in restaurants, training in sales, construction and other trades – may fruitfully be provided by practitioners in actual work places. When provided by those who have the technical qualifications and experience in such areas, their provision of instruction and learning experiences ought to be deemed teaching.

Many creative individuals, for example artists, musicians, writers, and sculptors, have qualifications and expertise in specific areas which equal and in many cases may be more current and in-depth than the expertise of certificated teachers. Provisions in the *Act* should enable the Minister to authorize such individuals to teach, at least at the high school level.

Currently, under Section 92(2), the *Act* allows a school board to employ “a competent individual to teach a language or culture under the supervision of a teacher who holds” a certificate of qualification as a teacher. AISCA is of the view that this section ought to be expanded to allow competent individuals to teach students a range of specializations: specialized meta-cognitive skills; career, work and life skills; skills necessary to address individual student’s learning needs; work place learning knowledge, skills and attitudes; and skills, fine arts and sports related competencies.

Furthermore, the notion of supervision should be defined in the *Act* to parallel what constitutes normal supervision in other workplaces. In non-school settings, the supervisor, normally in concert with the employee, defines the scope of the work, the processes for carrying out the work, the desired outcomes and the measurement of success. Normally, the supervisor is not required to be constantly present to monitor performance; instead, monitoring is reasonable and sufficient to ensure that desired processes are adhered to and that learning outcomes are achieved through pedagogically appropriate processes.

Recommendation 14: The new *Act* should amend Section 92(2) to provide for the employment of a competent individual, with appropriate professional or technical expertise, to teach students a range of knowledge and skills: specialized meta-cognitive skills; career, work and life skills; skills necessary to address individual student’s learning needs; work place learning knowledge, skills and attitudes; and, fine arts and athletic related competencies under the

supervision of a certificated teacher. Further, supervision by a certificated teacher ought to be defined as reasonable and sufficient monitoring aimed at ensuring that the competent individual uses appropriate instructional processes, addresses desired learning outcomes and evaluates the student in keeping with desired learning outcomes.

Currently, under the provisions of the *Private Schools Regulation*, funded accredited independent schools are required to employ as a principal an individual who holds valid Alberta teacher certification. AISCA agrees that instructional leadership and supervision, especially delivery of the Alberta program of studies, should be carried out by a qualified teacher. However, independent schools also believe that schools often represent communities of interest that require leadership knowledge and skills beyond those held by qualified teachers, or ones that are not necessarily held by qualified teachers. For example, the development of annual education plans, building community support and relationships with parents and community members, fund raising and financial accounting skills, may all be competencies outside of those normally held by qualified teachers. Currently, Alberta Education policy requires independent school principals to sign off on such documents as annual operational plans, annual education plans. In some cases, these requirements may best be carried out by qualified individuals designated by independent school operators, other than the qualified teacher who serves as the school principal.

AISCA proposes that the current *Act* be amended to reflect that a funded, accredited private school may designate a school chief executive officer and must appoint a school principal responsible for: providing leadership in all matters relating to education; ensuring that students have the opportunity to meet the standards of the Minister; and ensuring that education programs are implemented in keeping with the policies established by the Minister.

Recommendation 15: The amended *Act* should provide that a funded, accredited independent school may designate a school chief executive officer responsible for ensuring that the school operates in keeping with the policies of the Minister and must appoint a school principal responsible for providing leadership in all matters related to education; ensuring that students have the opportunity to meet the standards of the Minister; and ensuring that education programs are implemented in keeping with instructional delivery related policies established by the Minister.

Housekeeping

Each year Alberta Education officials provide in-services for independent school principals and governing boards outlining the sections of the *Act* that apply to independent schools. There is a need for these in-services because the *Act* itself is not clear or explicit about which sections apply to independent (private) schools and those that do not. In contrast, in respect to charter schools, Section 36 of the current *Act* explicitly identifies the provisions of the *Act* that apply. For purposes of clarity and to assist independent (private) schools as well as private early childhood services operators to better comply with statutory requirements and the policies of the Minister, a section similar to Section 36 of the current *Act* should explicitly identify those provisions that apply to independent (private) schools.

Recommendation 16: The amended *Act* should explicitly identify those provisions that apply to independent (private) schools.

Conclusion

As part of Alberta's education system, AISCA and its independent school members appreciate the opportunity to submit the above recommendations. We look forward to participation in further deliberations aimed at improving the quality of educational opportunities provided to Alberta's children.

End Notes

- ¹. **"independent school"** means a school, including a distributed learning independent school, that is, or is to be, maintained and operated in British Columbia by an authority and
- (a) that offers an educational program to 10 or more school age students,
 - (b) that meets the requirements of section 2 (e) of the Schedule and otherwise qualifies for a certificate of group classification, or
 - (c) for which an authority holds a subsisting interim certificate issued under section 4 (2), but does not include
 - (d) a public school, a Provincial school or a school, other than a school operated by a treaty first nation under and in accordance with this Act, operated by a treaty first nation under its own laws, or
 - (e) a school that
 - (i) solely offers religious instruction,
 - (ii) solely offers language instruction,
 - (iii) solely offers a program of social or cultural activities,
 - (iv) solely offers a program of recreational or athletic activities, or
 - (v) is designated by the inspector;

INDEPENDENT SCHOOL ACT

BC Ministry of Education
Governance and Legislation Branch H-1 April 3, 2009
[RSBC 1996] CHAPTER 216