



Edmonton School District No. 7
One Kingsway
Edmonton, Alberta

McCauley Chambers
Tuesday, February 17, 2015
2:00 p.m.

Board Meeting #9

AGENDA


**BOARD OF
TRUSTEES**

**Michael Janz
Board Chair**

**Michelle Draper
Board Vice-Chair**

**Sherry Adams
Orville Chubb
Ken Gibson
Sarah Hoffman
Nathan Ip
Cheryl Johner
Ray Martin**

**Johannah Ko
Student Trustee**

- A. **O Canada** 
- B. **Roll Call**
- C. **Approval of the Agenda**
- D. **Communications from the Board Chair**
- E. **Communications from the Superintendent of Schools**
- F. **Minutes:**
 - 1. DRAFT – Board Meeting #8 – January 20, 2015
- G. **Comments from the Public and Staff Group Representatives**
(NOTE: Pre-registration with the Board Office [780-429-8021] is required by 10:00 a.m. – Tuesday, February 17, 2015 to speak under this item.)
- H. **Reports:**
 - 2. Report #7 of the Caucus Committee (From the Meeting Held February 3, 2015)
 - 3. Motion re Consent
(Recommendation)
 - 4. Caucus Committee
(Recommendation)
 - 5. Bereavement
(Information)
- I. **Comments from the Public and Staff Group Representatives – 5:00 p.m.**
(NOTE: Pre-registration with the Board Office [780-429-8021] is required by 10:00 a.m. – Tuesday, February 17, 2015 to speak under this item.)
- J. **Other Committee, Board Representative and Trustee Reports**
 - 6. Student Trustee Update
(Information – Carried Forward from January 20, 2015 Board Meeting)

- K. Trustee and Board Requests for Information**
- L. Notices of Motion**
- M. Meeting Dates**
- N. Adjournment**

MINUTE BOOK

Board Meeting #8

Minutes of the Board Meeting of the Trustees of the Edmonton School District No. 7 of the Province of Alberta held in McCauley Chambers in the Centre for Education on Tuesday, January 20, 2015 at 2:00 p.m.

Present:

Trustees

Sherry Adams
Orville Chubb
Michelle Draper

Ken Gibson
Sarah Hoffman
Nathan Ip

Michael Janz
Cheryl Johner
Ray Martin

Student Trustee

Johannah Ko

Officials

Angela Anderson
Lisa Austin
Diana Bolan
Jim Davies

Mark Liguori
Ron MacNeil
Mary Michailides
Kathy Muhlethaler

Lorne Parker
Darrel Robertson
Sandra Stoddard

Board Chair: Michael Janz

Recording Secretary: Manon Fraser

A. O Canada 

Staff Group Representatives

Edmonton Public Teachers – Nels Olsen, President
CUPE Local 3550 – Carol Chapman, President
CUPE Local 474 – Barry Benoit, President

B. **Roll Call:** (2:00 p.m.)

The Superintendent advised that all Trustees as well as Student Trustee Ko were present.

MINUTE BOOK

C. Approval of the Agenda

Acting Board Chair Janz advised that an item would be added to the board meeting agenda under Section D – Communications from the Board Chair regarding the election of a new Board Chair for the remainder of the 2014-2015 school year until the next Organizational board meeting in September 2015.

MOVED BY Trustee Martin:

“That the agenda for the January 20, 2015 board meeting be approved as amended.” (UNANIMOUSLY CARRIED)

D. Communications from the Board Chair

Acting Board Chair Janz advised that the District has placed an ad in the Edmonton Journal and Edmonton Sun that will appear on January 21st for Maintenance Workers’ Appreciation Day acknowledging and thanking district members of CUPE Local 784 for their ongoing contributions to creating safe, comfortable and healthy environments in which students and staff can learn and work. He thanked the maintenance staff for their efforts.

Trustee Hoffman reported on the meeting with City Council that took place Friday, January 16, 2015. There were seven Trustees in attendance at the meeting (two other Trustees had previous commitments with the Alberta School Boards Association and were unable to attend), as well as the Superintendent of Schools and Dr. Stoddard. The Mayor and five Councillors attended the meeting. She advised that there was a presentation on the District’s student demographics and some of the trends over the last few years as well as where students reside. There was also discussion regarding infill and capital projects. She believed the meeting was very productive.

Trustee Hoffman advised that she had e-mailed Trustees and the Superintendent over the weekend with her resignation as Board Chair. She will continue to serve as the Trustee for Ward G in accordance with the *School Act*. She noted that, in accordance with the *School Act* and the Trustees’ Handbook, a Caucus Committee meeting was held this morning to discuss next steps regarding the resignation.

MINUTE BOOK

Election of Board Chair

Acting Board Chair Janz called for nominations for the position of Board Chair.

Trustee Johner nominated Trustee Janz.

The Acting Board Chair, seeing that there were no further nominations, advised that he had been elected by acclamation as Board Chair for the remainder of the 2014-2015 school year until the Organizational Board meeting in September 2015.

Election of Board Vice-Chair

The Board Chair called for nominations for Board Vice-Chair.

Trustee Chubb nominated Trustee Draper.

Trustee Chubb nominated Trustee Gibson.

The Board Chair, seeing no further nominations, declared the nominations closed.

MOVED BY Trustee Hoffman:

**“That voting for the position of Board Vice-Chair be done by secret ballot.”
(UNANIMOUSLY CARRIED)**

Ballots were distributed by Mrs. Fraser.

The Superintendent of Schools and Dr. Stoddard left the room to count the ballots.

Dr. Stoddard announced that the majority of the Board had elected Trustee Draper as Board Vice-Chair for the remainder of the 2014-2015 school year until the Organizational Board meeting in September 2015.

The Administration undertook to destroy the ballots.

E. Communications from the Superintendent of Schools

The Superintendent congratulated Assistant Superintendent Mark Liguori on his appointment as Superintendent of Elk Island Public Schools which will commence in February. He noted it was Mr. Liguori's last board meeting with Edmonton Public Schools and thanked him for his years of tremendous service and dedication to the District.

MINUTE BOOK

The Superintendent reported on the meeting he and Trustee Janz attended with Minister of Education Dirks, Deputy Minister Lorna Rosen and several other Alberta Education representatives on Monday. Discussion took place regarding activities undertaken by the District in the past year in meeting some of the goals of *Inspiring Education*. Discussion also took place with the respect to the new *Education Act* and the challenges the District will face with some of the changes in the *Act* such as student address and attendance areas.

F. Minutes

1. Board Meeting #7 – December 16, 2014

MOVED BY Trustee Adams:

“That the minutes of Board Meeting #7 held December 16, 2014 be approved as printed.”

The Board Chair called the question.

The Motion was UNANIMOUSLY CARRIED.

G. Comments from the Public and Staff Group Representatives – None.

H. Reports

2. Report #6 of the Caucus Committee (From the Meeting Held January 6, 2015)

MOVED BY Trustee Janz:

“1. That Report #6 of the Caucus Committee from the meeting held January 6, 2015 be received and considered.” (UNANIMOUSLY CARRIED)

MOVED BY Trustee Janz:

“2. That the contracting of Conroy Ross to assist the Board and Superintendent Evaluation Committee in conducting the 2014-2015 Superintendent of Schools’ Evaluation be approved.

MINUTE BOOK

3. That the process and timeline as outlined in the consulting request for proposal from Conroy Ross with respect to the 2014-2015 Superintendent of Schools' Evaluation be approved.
4. That the costs for conducting the 2014-2015 Superintendent of Schools' Evaluation be taken from the Board Initiative Fund."

The Board Chair called the question.

The Motion was **UNANIMOUSLY CARRIED**.

MOVED BY Trustee Janz:

- "5. That the Board of Trustees approve the land exchange between the City of Edmonton and the Edmonton Public School Board."

The Board Chair called the question.

The Motion was **UNANIMOUSLY CARRIED**.

3. Environmental and Social Justice Initiatives

MOVED BY Trustee Johner:

- "That District recognition for environmental and social justice initiatives be incorporated into the District Awards program, by creating two distinct award categories for schools to apply for (one for environmental justice and one for social justice)."

The Board Chair called the question.

IN FAVOUR: Trustees Adams, Chubb, Draper, Gibson, Hoffman, Ip, Janz and Martin

OPPOSED: Trustee Johner

The Motion was **CARRIED**.

There was a break at this point.

MINUTE BOOK

4. Holistic Health (H20) 15-25-35 Locally Developed Courses

MOVED BY Trustee Draper:

“That the Holistic Health (H20) 15-25-35 locally developed course series be approved for use in Edmonton Public Schools until August 2018.”

Several Trustees expressed concern with some of the terminology and concepts in the course content such as “spirituality” and “interconnectedness” and believed that clarification should be provided regarding what religious philosophies, practices and/or traditions may have been drawn upon in the development of this locally developed course. In keeping with [Board Policy GAA.BP – Delivery of Student Programs of Study](#), Trustees also wanted assurance that this course is not based on a particular faith and is of a non-proselytizing nature. Concern was also expressed regarding how the outcomes of the course will be measured and evaluated to ensure academic rigour is met.

MOVED BY Trustee Janz:

“That the report be referred to the Administration for review taking into consideration Trustee feedback and brought back to a future board meeting.”

The Board Chair called the question on the Referral Motion.

IN FAVOUR: Trustees Adams, Chubb, Draper, Gibson, Hoffman, Janz and Martin

OPPOSED: Trustees Ip and Johner

The Referral Motion was CARRIED.

There was a break at this point.

Student Trustee Ko left at this point for the duration of the meeting.

5. Early Learning Students Reassessment and Transportation Costs (Response to Request for Information #068)

The report was provided in response to a Trustee request for information.

MINUTE BOOK

6. Grade 3 Student Learner Assessment (SLA) Pilot
(Response to Request for Information #069)

The report was provided in response to a Trustee request for information.

The Superintendent undertook to provide information regarding potential supply costs associated with the marking of Grade 3 Student Learner Assessment (SLA) tests.

7. Report of the Blue Ribbon Panel on Inclusive Education in Alberta Schools
(Response to Request for Information #074)

The report was provided in response to a Trustee request for information.

8. Bereavement

Vice-Chair Draper reported on the passing of Mr. Brian Gaida.

I. Comments from the Public and Staff Group Representatives – 5:00 p.m.

There were no registered speakers for this item.

J. Other Committee, Board Representative and Trustee Reports

Trustee Martin advised that more than two hundred students, staff, teachers and community members have worked together on a beautiful mosaic project of birch forests at Highlands School led by two artists in residence, Theodora Harasymiw and Heidi Oshry, of the Kora Mosaic Studio. They worked with students and staff over the last month to create an imagery of birch forests on three different panels at the school. The *Artist in Residency* and project were sponsored by the Alberta Foundation for the Arts.

Trustee Chubb advised that, on January 17, 2015, he and Trustee Martin attended an event to celebrate Milad-un-Nabi which commemorates the life of the Holy Prophet Muhammad organized by the Edmonton Council of Muslim Communities and the Aga Khan Council for Edmonton. The keynote speaker for the event was Karima Bennoune. He noted Mayor Iveson was also in attendance and acknowledged the District's Arabic programming.

MINUTE BOOK

Trustee Adams, the Board's representative on the Edmonton Public Schools Foundation Board of Governors, noted that interviews will begin tomorrow for the new Director of the Foundation. She also reported on the following fundraising events:

- January 28, 2015 – Kingsway District Association *Business Association Day with the Edmonton Oil Kings* at Rexall Place from 6:00 p.m. to 8:00 p.m.
- January 29, 2015 - South Edmonton Business Association (SEBA) mixer at the Melting Pot from 5:00 p.m. to 7:00 p.m.

Trustee Draper reported she attended the closing assembly at Belvedere School, held at the end of a successful FNMI (First Nations, Métis, and Inuit) Celebration Week. The week was facilitated by Holly Yuzicapi, the Cultural Engagement Coach from First Nations, Métis, and Inuit Education with the District. The unit provides, at no cost to school communities, four days of cultural arts based programming in Grades K-9. She collaborates with the principal and teachers to plan the four days of programming that incorporates First Nations, Métis, and Inuit activities in classrooms and throughout the school. These initiatives support and enhance a welcoming and inclusive school community by engaging all students and staff through the pillars that exist within all cultures. The activities explore cross-curricular learning opportunities in all core subject areas through cultural arts based programming that enhance the Programs of Study. She congratulated everyone involved in the week-long celebration activities.

Trustee Johner, the Board's alternate representative on the Alberta School Boards Association (ASBA) Board of Directors, reported on the January 15-17, 2015 ASBA Board of Directors meeting she attended. She noted the following:

- The meeting focused on strategic planning.
- The following ASBA advocacy priorities were established:
 - Sustainable, predictable funding
 - Infrastructure
 - Local board autonomy
- The request for information requested by Trustee Hoffman regarding expenditures of the Association was discussed. A hard copy of the information was provided at the meeting. The ASBA Administration advised that a copy of the information will be e-mailed to the Board of Directors for review and determination of next steps.
- The theme for the Spring General Meeting in Red Deer was determined – *All About Students*.

MINUTE BOOK

Trustee Hoffman reported that, last Tuesday, she and Trustees Ip and the Superintendent attended the K-3Curriculum Development Prototyping Recognition and Celebration event. There were over two hundred staff, stakeholders as well as officials from Alberta Education and University of Alberta and St. Albert Public Schools in attendance. The project was finished on time and under budget. She noted that staff enjoyed having collaborative time to share resources and ideas during the project. She commended the Superintendent, Ms Aubry and the staff involved in the project.

9. Student Trustee Update

The report was deferred to the next board meeting.

K. Trustee and Board Requests for Information

Trustee Hoffman requested that information be provided outlining the current composition for the District Recognition and District Student Awards programs. The information should also include any potential changes to the current programs which could help align them to the District's Mission, Vision, Priorities and Values.

L. Notices of Motion

Trustee Chubb served notice of the following motion:

That a letter be sent to the Minister of Education recommending including the topic of consent in the curriculum connected to Human Sexuality.

M. Next Board Meeting Date: Tuesday, February 17, 2015 at 2:00 p.m.

N. Adjournment (5:40 p.m.)

The Board Chair adjourned the meeting.

Michael Janz, Board Chair

Dr. Sandra Stoddard, Executive Director
Governance and Strategic Support
Services/Corporate Secretary

DATE: February 17, 2015

TO: Board of Trustees

FROM: Trustee Michelle Draper, Caucus Committee Chair

SUBJECT: Report #7 of the Caucus Committee (From the Meeting Held February 3, 2015)

ORIGINATOR: Dr. Sandra Stoddard, Executive Director Governance and Strategic Support Services

REFERENCE: [Trustees' Handbook](#) – Caucus Committee - Section 5.4
[School Act](#) Section 61
[Alberta School Boards Association \(ASBA\) Budget 2014-2015](#)

ISSUE

Each year the Board is asked to approve the draft Alberta School Boards Association (ASBA) budget which is based on a set of budget assumptions. One of the budget assumptions is the continuation of memberships with the National School Boards Association (NSBA) and the Canadian School Boards Association (CSBA). The ASBA Issues and Resolutions Committee is recommending the budget assumptions be amended as the members of the Committee do not see the value added for Alberta students. Cost savings could be applied to a reduction of annual membership fees school boards pay to belong to the ASBA.

RECOMMENDATION

- 1. That Report #7 of the Caucus Committee from the meeting held February 3, 2015 be received and considered.**
- 2. That, in order to benefit Alberta students and maximize dollars in the classroom, the Edmonton Public School Board give direction to the Edmonton Public Director on the Alberta School Boards Association (ASBA) Board of Directors to reduce membership fees by advocating to the ASBA Board of Directors and at ASBA Zone 2/3:**
 - a. That the ASBA give notice to leave the National School Boards Association (NSBA).**
 - b. That the ASBA give notice to leave the Canadian School Boards Association (CSBA).**

BACKGROUND

The ASBA membership cost to the Edmonton Public School Board for 2013-2014 was \$211,080.88. It is anticipated that the ASBA membership cost to the Edmonton Public School Board for 2014-2015 will be approximately \$215,000 (the projected membership fee by ASBA as indicated in the [ASBA's Budget 2014-2015](#) document (Page 54) is \$206,860 based on the 2013-2014 student count of 86,945 students – the District's actual September 30, 2014 student count is 89,660). The Board is fiscally accountable for its use of funds. To that end, the ASBA Issues and Resolutions Committee, comprised of Trustees Hoffman, Janz and Johner, met on January 30, 2015 to discuss concerns raised by Trustee Hoffman, who sits as the Board's representative on the ASBA Board of Directors, regarding the efficacy of expenditures specifically related to membership in the NSBA and CSBA.

Outlined below is a chart of some of the actual costs incurred in the ASBA’s 2013-2014 budget year:

	2013-2014 Canadian School Boards Association (CSBA)	2013-2014 National School Boards Association (NSBA)
Annual Membership Fees	\$ 29,433.94	\$ 26,841.75
Costs associated with attending the annual conference (and meeting)	\$ 16,192.93	\$ 52,984.11
Directors Meetings	\$ 9,731.92	\$ 4,501.37
Other Retreats, Institutes and Professional Development	\$ 0	\$ 29,757.20
Total	\$ 55,358.79	\$ 114,084.43

The cost of membership fees and the costs of participating in the governance and leadership of both organizations is significant and worth reviewing. No other Canadian school board association is a member of the NSBA. Individual Trustees may attend NSBA conferences without being a member of the organization; the same is true for CSBA.

Because the ASBA budget requires a double majority (60% of students and 60% of boards), the ASBA Issues and Resolutions Committee felt it was incumbent upon the Board to give clear direction to both the ASBA Board of Directors and at ASBA Zone 2/3.

As membership in the NSBA and CSBA is a budget assumption, the ASBA Issues and Resolutions Committee recommends that notice be given to withdraw from the NSBA and CSBA and that the ASBA budget assumptions for 2015-2016 be amended. This direction from Edmonton Public Schools would signal to the ASBA and to partner boards, the Board’s concerns and assist the leadership of the ASBA in re-focusing their efforts on supporting Alberta’s students.

OPTIONS CONSIDERED

1. Approve the recommendation.
2. Amend the recommendation.
3. Defeat the recommendation - remain with the status quo.

NEXT STEPS

If the recommendation is approved, the Edmonton Public Director on the ASBA Board of Directors will bring forward an amendment to the ASBA budget assumptions at the next ASBA Board of Directors meeting. In addition, ASBA Zone 2/3 will be advised of the rationale and the proposed amendment.

If the recommendation is not approved, the Edmonton Public Director will continue to use their informed judgment to ensure that decisions are made.

ATTACHMENTS & APPENDICES

ATTACHMENT I – NSBA and CSBA Membership Benefits as Provided by the ASBA

SS:mmf

Membership Benefits of NSBA and CSBA

The National School Boards Association (NSBA) is an American organization that “*Working with and through our state associations, NSBA advocates for equity and excellence in public education through school board leadership. We believe education is a civil right necessary to the dignity and freedom of the American people, and all children should have equal access to an education that maximizes his or her individual potential.*” (<http://www.nsba.org>)

Benefits of NSBA from ASBA Budget 2014-2015 – Page 49

[Alberta School Boards Association \(ASBA\) Budget 2014-2015](#)

- Access to NSBA staff experts on educational, advocacy, legal and association management issues.
- Staff participation in all NSBA activities. Fees are waived for staff for the annual conference, council of urban boards of education and technology leadership network site visits.
- Full access to the NSBA’s Library and Information Services, including sample governance policies and the NSBA’s policy framework.
- Access to NSBA’s survey services.
- International Partnership Program staff participation in all NSBA work-alike groups
- 50% discounts on most NSBA publications.
- No-cost access to NSBA’s electronic newsletter for state associations, including the right to customize these and co-brand them for distribution to individual members.
- Up to 10 copies of each issue of the American School Board Journal and other print periodicals.
- Participation for international partnership staff in NSBA webinars.
- Access to partnership opportunities in entrepreneurial programs from NSBA and State Associations.
- Participation in Regional meetings of the International Partnership participant’s choice.
- Participation in online discussion groups for executive director and association staff.
- Other benefits as requested by the International Partnership Program and agreed to by NSBA staff.

CSBA

The CSBA is an organization of individual provincial school board associations.
(www.cdnsba.org)

DATE: February 17, 2015

TO: Board of Trustees

FROM: Trustee Orville Chubb

SUBJECT: Motion re Consent

REFERENCE: [Trustees' Handbook – Section 5.2.2 – Notices of Motion](#)
[Criminal Code Definition of Consent](#)
[Overview of Sexual Health Curriculum in Alberta](#)

ISSUE

Notice of motion was served at the January 20, 2015 board meeting.

RECOMMENDATION

That a letter be sent to the Minister of Education recommending including the topic of consent in the curriculum connected to Human Sexuality.

BACKGROUND

While sexual consent is not a term explicitly used in the Programs of Study, requests for consent to be taught in sexual health education are in the news on a regular basis. Beyond current affairs, the concept of sexual consent, specifically identifying personal boundaries and the ability to articulate them is foundational to healthy human interaction at school, work and home.

The current Programs of Study cover clinical topics such as the biology of human reproduction: W-5.3, *identify the basic components of the human reproductive system, and describe the basic functions of the various components*. Sexual maturation: W-4.3, *describe physical, emotional and social changes that occur during puberty*; W-9.3, *apply coping strategies when experiencing different rates of physical, emotional, sexual and social development*. Health issues such as sexually transmitted diseases, W-6.6, *examine and evaluate the risk factors associated with exposure to blood-borne diseases - HIV, AIDS, hepatitis B/C; e.g. sharing needles, body piercing, tattooing, helping someone who is bleeding, being sexually active*. W-9.12, *determine “safer” sex practices; e.g., communicate with partner, maintain abstinence, limit partners, access/use condoms/contraceptives properly*; and the proper use of contraceptives: (W-8.14), *identify and describe basic types of contraceptives; i.e., abstinence, condom, foam, birth control pills*.

In the area of **sexual relationships**, the Programs of Study look at the difference between commitment and intimacy: CLM-P11, *examine the relationship between commitment and intimacy in all its level*, and healthy sexuality and responsible sexual behavior: CLM-P12, *examine aspects of healthy sexuality and responsible sexual behavior*.

On the sociological side, the Programs of Study address individual differences in all aspects of human sexuality. For example, W-8.3, *recognize and accept that individuals experience different rates of physical, emotional, sexual and social development*, and W-9.7, *evaluate implications and consequences of sexual assault on a victim and those associated with that victim*.

The majority of the above-mentioned topics focus on the individual and not on the aspects of human interaction. For example, the illustrative examples for outcome CLM-P12 suggest that teachers might have students do the following as a way to achieve the outcome; *describe the ways in which personal values influence choices; assess the consequences of being sexually active.*

Nowhere do the Programs of Study address the topic of sexual consent directly. That is not to say that there is no way a teacher can, under their own initiative, find ways to discuss the topic with students at appropriate times within the current Programs of Study. In fact, a quick survey of the human sexuality outcomes from Alberta Education's Programs of Study (Health and Life Skills Kindergarten to Grade 9, and Career and Life Management) on the teachingsexualhealth.ca website shows sexual health outcomes that allow for and promote the discussion of consent within the context of safety and responsibility, and healthy relationships.

In the past, a general consensus on norms of human sexuality could be reached in places such as churches, mosques, temples, synagogues and the public square. As such, it could be argued that there is no need to bring the topic of consent into a school. However, in the context of our multicultural society with unfettered access to pop culture, it is clear that public education needs to present a minimum standard.

Those standards are defined for us within the Canadian Criminal Code. In Section 273.1 of the legislation a definition of consent: *for the purposes of the sexual assault offences and for greater certainty, sets out specific situations that do not constitute consent at law.*

In lay terms, Section 273.1(2) can be understood to say:

- You can only consent for yourself.
- You actually have to be able to give consent. That means you have to be awake, conscious, and sober enough to make a clear decision.
- People in positions of trust, power or authority can't abuse their position to get sexual activity.
- If you imply no through your words or behaviours that's just as good as saying "NO".
- You have the right to change your mind and stop anytime for any reason during sexual activity.

Of course this does not preclude parents from giving their children additional guidance as the child forms his or her own standards.

OPTIONS CONSIDERED

The following options have been considered as they are deemed the most admissible:

1. Approve the recommendation.
2. Do not approve the recommendation.

CONSIDERATIONS & ANALYSIS

It is clear that students need to understand the concept of sexual consent and its basic principles has many applications to their interaction with each other and the greater community throughout their lives.

Nonetheless, as Alberta Education is in the process of redeveloping the curriculum, to [“prepare students to be successful in a future world...”](#) any work done in this matter by the District would be superseded. In addition, if the District was to undertake this as a project, the rollout time may well not be ready to use in classrooms prior to the Alberta Education’s new curriculum. As such, it would be a duplication of energy and a needless waste of resources.

Therefore, it could be determined that a proactive letter to the Minister of Education to voice our concerns on the issue and the District’s belief that the topic of sexual consent is essential to the greater subject of Sexual Health.

NEXT STEPS

If the recommendation is approved, a letter will be sent by the Board Chair to the Minister of Education on this issue.

OC:mmf

DATE: February 17, 2015

TO: Board of Trustees

FROM: Darrel Robertson, Superintendent of Schools

SUBJECT: Caucus Committee

ORIGINATOR: Dr. Sandra Stoddard, Executive Director Governance and Strategic Support Services

REFERENCE: [Trustees' Handbook](#) Section 5.4 – Caucus Committee
[School Act](#)

ISSUE

The Caucus Committee requested that changes be made to Section 5.4 of the [Trustees' Handbook](#) in order to give the Caucus Committee final decision-making power over certain matters, yet constrain that power so that it is used only when absolutely necessary.

RECOMMENDATION

That a resolution be approved directing that Section 5.4 of the Trustees' Handbook be revised as outlined in Attachment I in order to give the Caucus Committee final decision-making power on certain types of matters, and yet constrain that power so it is used only when absolutely necessary.

BACKGROUND

The Caucus Committee requested information from the Administration regarding the following questions:

1. What is permissible to decide at Caucus Committee?
2. What is the purpose of acting out of Caucus Committee?
3. Is there a better method of moving forward? What other options are available to the Board (e.g. walking the report onto the afternoon board agenda)?

The Administration answered the questions as follows:

1. *What is permissible to decide at Caucus Committee?*

There are two ways that the Board can meet *in camera*. The first is pursuant to Section 70(3) of the *School Act*, which allows a majority of trustees present at a meeting to pass a resolution to exclude the public if that majority of trustees is of the opinion that it is in the public interest to consider that matter in private. There is no power to actually decide to pass a resolution in this *in-camera* meeting, other than a resolution to revert to public board. It is, therefore, of limited use and has been used infrequently by the Board.

The second way in which the Board can meet *in camera* is to delegate Board power to a Committee of the Board. Section 61(1) of the *School Act* authorizes, among other things, a board to pass a resolution delegating authority to a committee of the Board. This delegation allows the committee "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." The only exceptions are

that the Board cannot delegate the power to make a bylaw, the power to close a school, or to hold a teacher transfer hearing.

As stated above, the Board has utilized Section 61(1) to delegate powers to the Caucus Committee. Section 5.4 of the *Trustees' Handbook* states that "The Board holds *in-camera* meetings to deal with land, labour and legal matters." The use of the phrase "deal with" suggests that a final decision on such matters is allowable. However, Section 5.4 goes on to make it clear that the Board has delegated to the Caucus Committee only the power to discuss and/or develop recommendations to the Board on a list of matters. This is an extremely limited delegation of power, essentially leaving the Board unable to make any final decision in Caucus Committee. In other words, the broad sweep of Section 61 of the *School Act* has hardly been utilized. While there are court decisions that would suggest that the Board would have to be circumspect in what it delegated for final decision to Caucus Committee, it is clear that the provision has been utilized with great reluctance. The Board could delegate real decision-making power to the Caucus Committee, but has chosen not to.

2. *What is the purpose of acting out of Caucus?*

As is evident from the above, since the Board has not delegated any real decision-making power to Caucus Committee, the Board cannot legally give direction to the Administration to take any action that would require that a binding a decision of the Board had already been made. "Confirming" the action at a public board meeting is, therefore, not appropriate, since no legal decision was made in the first place. So acting out of Caucus Committee would be valid only when the Board has asked the Administration to do something that is not dependent on a binding decision of the Board. Acting out of Caucus Committee in any other context simply does not make sense.

3. *Is there a better method of moving forward? What other options are available to the Board?*

There are three possible resolutions the Board could pass in public to deal with the problem of acting out of Caucus Committee. They are as follows:

a. Delegate real decision making power to the Caucus Committee

The Board could delegate the power to the Caucus Committee to make final decisions on matters dealing with land, labour and legal matters, and any other matter that was of a sensitive and confidential nature. Decisions made in this way would then be reported to public board only as information and would not require the Board to pass a motion other than the motion to accept the information. This delegation of power could be underutilized, in the sense that most such matters were still sent to Board, but when the matter was time-sensitive, a final decision could be made in Caucus Committee and then the Administration could properly be authorized to act out of Caucus Committee, since a final decision of the Board had been made.

b. Delegate to the Caucus Committee the power to make final decisions on any matter that required a decision before the next public board meeting.

Such a resolution would have to be carefully crafted, but it is possible to give the Caucus Committee the power and flexibility to make final decisions when time demanded quick action. Again, acting out of Caucus Committee would then be legally possible.

- c. Pass a motion in Caucus Committee waiving notice of a public board meeting, and then convene a public board meeting.

This mechanism was used by the Board for many years when the Board used to convene teacher termination hearings, student expulsion hearings, and hearings to determine whether or not students would be sponsored to external organizations such as Elves. The Board would hold a hearing *in camera*, then exclude everyone but legal counsel in order to discuss and make a tentative decision *in camera*, and then vote to wave notice of a public board meeting, and immediately convene a public board meeting to pass a binding resolution.

The Caucus Committee was presented with information to the effect that Point 1.a. of Section 5.4 of the Trustees' Handbook could be revised to delegate actual decision-making power to the Caucus Committee, and that one of the following three options could also be added to impose limits on that delegation:

- Option 1 - The Caucus Committee shall not make a decision binding the Board unless a motion is passed in Caucus approving such action.
- Option 2 - The Caucus Committee shall use its final decision-making authority only after a motion is passed in Caucus Committee approving the making of a decision on a particular matter.
- Option 3 - The delegation of decision-making authority to the Caucus Committee is subject to the following limitations:
 - a. it shall be used only for matters that must be kept confidential or are time-sensitive; and
 - b. to the extent possible, decisions made by the Caucus Committee shall be reported to the Board in a public meeting.

The Caucus Committee gave feedback to the Administration regarding the changes that could be made to the Trustees' Handbook in order to delegate decision-making power to the Caucus Committee, while imposing appropriate limitations on this power.

RELATED FACTS

The Caucus Committee gave feedback to the Administration regarding the changes that could be made to the Trustees' Manual in order to delegate decision-making power to the Caucus Committee, while imposing appropriate limitations on this power.

OPTIONS CONSIDERED

Pursuant to the feedback of the Caucus Committee, the following options have been considered:

1. Approve the recommendation.
2. Do not approve the recommendation. The Trustees' Handbook would not be amended, and instead the current practice of waiving notice of motion for a public meeting, and convening a public meeting without notice when there is an exigent need to pass a resolution of the Board would be maintained.

CONSIDERATIONS & ANALYSIS

There are both legal and political considerations involved in the decision to delegate authority to the Caucus Committee. The analysis begins with Section 70(1) of the *School Act*, which reads as follows:

70(1) The meetings of a board shall be held in public and no person shall be excluded from them except for improper conduct.

Such rules, usually referred to as open meetings rules, are common throughout North America. They have been interpreted strictly by the courts in the United States, where some courts have said that a majority of trustees cannot even have an informal lunch together because the quorum makes it a *de facto* board meeting, notwithstanding the intention otherwise, and thus the public must have access to the meeting.

Canadian courts have been less stringent, but have still uniformly recognized the fundamental importance of the transparency afforded by having meetings of public bodies take place in public view. One example of this is the 1998 case of *City of Yellowknife Property Owners Assn. v. Yellowknife (City)* [1998] N.W.T.J. No. 74, in which the Northwest Territories Supreme Court was asked to consider whether the Yellowknife City Council was in violation of a statutory open meetings rule by regularly meeting *in camera* with the City Mayor to receive briefings on civic matters and to give general guidance to the city administration. The Court held that the meetings were in fact City Council meetings, and thus unlawful because of the exclusion of the public. Since the legislation considered by the Court was strikingly similar to section 70 of the *School Act*, the decision cannot be ignored, even though it is not strictly binding in Alberta.

The upshot of this and other court decisions is that an open-meetings rule is not to be lightly disregarded. Section 70(3) of the *School Act* allows only one exception to the open meetings rule. It provides as follows:

70(3) Notwithstanding subsection (1), when a majority of the trustees present at a meeting of the board are of the opinion that it is in the public interest to hold the meeting or a part of the meeting in private for the purpose of considering any matter, the board may by resolution exclude any person from the meeting.

This section of the *School Act* is procedurally prescriptive. The decision to go *in camera* must be made publicly by board resolution declaring that the board considers it in the public interest to exclude the public from the board's consideration of a matter that has arisen in the course of a publicly convened board meeting. No other method of convening an *in camera* meeting of the board is permitted. Both scheduled and *ad hoc* secret meetings violate the procedural requirements of section 70(3). It is also noteworthy that the board cannot make any decision on any matter during such an *in camera* board meeting:

70(4) When a meeting is held in private, the board does not have the power to pass a bylaw or resolution at that meeting apart from the resolution necessary to revert to an open meeting.

Notwithstanding section 70, Alberta school boards can effectively reduce the scope of the open meetings rule by delegating powers to committees of the board pursuant to section 61 of the *School Act*. However, in light of the court decisions emphasizing the importance of transparency, it is obvious that an attempt by a school board to escape from the procedural restrictions of section 70 by

sweeping delegation of power to a board committee would be vulnerable both to adverse public criticism and likely successful court action. Thus, the recommended resolution is focused on limiting the proposed delegation to instances of necessity.

NEXT STEPS

Should the Board pass the recommended resolution, the Administration will amend the Trustees' Handbook in accordance with Attachment I.

ATTACHMENTS & APPENDICES

ATTACHMENT I - [Trustees' Handbook](#) - Caucus Committee – Section 5.4

SS:mmf

Trustees' Handbook - Caucus Committee – Section 5.4

Committee of the Whole (in-camera)

Purpose

The Board values transparency and accountability and believes that, to the greatest extent possible, its decision making should be conducted in public. There are, however, specific instances when the public interest is best served by private discussion in "in-camera" sessions.

The Board holds in-camera meetings to deal with land, labour and legal matters. The Board also gathers privately for professional development, reviewing the functioning of the Board, and for strategic planning purposes. The requirement for confidentiality of in-camera materials and proceedings is fundamental to protect individual privacy and the District's fiduciary and strategic interests. For this reason, all in-camera meetings are closed to the public and news media.

All recommendations from the Caucus Committee must be approved at a public board meeting prior to being enacted or implemented.

Expectations

1. In accordance with Section 61 of the [School Act](#), the Board delegates to the Caucus Committee the following powers:
 - ~~a. Discussing and/or developing recommendations to Board on matters pertaining to:~~
 - a. Discussing, making decisions, giving direction to the Administration, and/or developing recommendations to Board on matters pertaining to:**
 - the personal or proprietary information of an identifiable individual or group, including staff, students and parents;
 - labour relations and employee negotiations;
 - a proposed or pending acquisition or disposition of property;
 - law enforcement matters, litigation or potential litigation, including matters before administrative tribunals affecting the District;
 - the security of the property of the District;
 - the terms and conditions of a contract with the Superintendent of Schools in accordance with Section 113 of the [School Act](#).
 - a. Reviewing the functioning of the Board.
 - b. Developing advocacy plans to other levels of government and strategic planning activities.
 - c. Engaging in professional development.

2. The first order of business for a Caucus Committee meeting shall be approval of the agenda and confirmation of the items as appropriate for discussion in-camera.
3. All matters requiring Board decision arising from discussions in Caucus Committee shall be reported to a public board meeting for Board approval. Recommendation reports to Board shall contain sufficient background information to explain the recommendation and implications of the decision to be made with due consideration to protection of personal or proprietary information.
- 4. The delegation of decision-making authority to the Caucus Committee is subject to the following limitations:**
 - a. it shall be used only for matters that must be kept confidential or are time-sensitive; and**
 - b. decisions made by the Caucus Committee shall be reported to the Board in a public meeting.**
5. All agenda items and supporting materials on which motions and recommendations are based, and the substance of deliberations shall remain confidential, except when:
 - the Board of Trustees determines that the information should be submitted to a public meeting;
 - the Board of Trustees specifically authorizes its public release, or when legally required to release such information;
 - a motion of the Board of Trustees is required to release this information to any persons other than to the Board of Trustees, employees or agents of the Board who require such information to carry out their duties on behalf of the District.
6. The Caucus Committee may appoint a subcommittee of Trustees, or administrators, or other individuals to act on its behalf.

Quorum

The membership of the Caucus Committee is the full Board. A quorum is the majority of the Committee members. A quorum of the Caucus Committee consists of five (5) Trustees.

Rules of Order

- The Vice-Chair of the Board will serve as the Caucus Committee Chair, presiding at every meeting and will vote on all questions submitted. In the Chair's absence the Board Chair will preside. In the absence of the Board Chair, the members present will appoint one of their members to be Chair.
- The rules of the Board will be observed.
- The Committee submits its recommendations to the Board.

Confidentiality

All materials submitted and the substance of discussions held in Caucus Committee shall be treated as confidential by all Trustees and Administration in attendance.

Agendas

The preparation of the agenda for a Caucus Committee is the responsibility of the Superintendent of Schools or designate.

A draft agenda is posted on the Board Intranet Site (BIS) eight (8) days prior to the Board or Caucus meeting for all Trustees to review. Trustees who wish to have an item added to the agenda are to contact the Board or Caucus Chair with their request.

The Caucus Chair will provide changes and approval to the Executive Director Governance and Strategic Support Services prior to including in the Caucus information packages by end of day on the Wednesday preceding the board meeting.

Format of Agendas

- A. Roll Call
- B. Approval of the Agenda
- C. Communications from the Board Chair
- D. Communications from the Superintendent of Schools
- E. Minutes
- F. Reports
(From Board Committee, Representatives and Trustee Motions and Superintendent of Schools)
 - Recommendation
 - Feedback
 - Information
 - Delegation or External Presentation (time-specific)
- G. Other Committee, Board Representative and Trustee Reports
- H. Trustees and Board Requests for Information
- I. Notices of Motion
- J. Meeting Dates
- K. Adjournment

Delivery of Agendas

- Material for Caucus meetings will be posted on the Board Intranet Site (BIS) at least three days in advance of the meeting.
- The Caucus Committee will approve the meeting agendas at each meeting in the event there are changes or emergent items requiring discussion.
- Agenda materials that are not dealt with at a meeting will be added to the next meeting agenda.

Time and Location

- Caucus Committee meetings will be held on an as-needed basis at the call of the Caucus Committee Chair in the Board Conference Room. The first Tuesday morning of each month will be reserved for such meetings.
- Notices of meetings will be provided in the same manner as for regular board meetings unless, by consent of all the Trustees, notice is waived.
- These meetings are closed to the public and media; however, all recommendations arising from the meeting will be brought to the public board meeting for decision.
- In circumstances where immediate decisions are required for time sensitive matters, a motion to “act out of Caucus” will need to be carried prior to enactment of the recommendation. The decision will still be communicated at the public meeting through a report from the Caucus Committee.

Adjournment

The Caucus Committee will remain in session no later than 12:00 noon unless otherwise determined by a majority vote of members present.

Minutes

- The minutes of the Caucus Committee will contain motions, recommendations and questions that require administrative follow up.
- The minutes of Caucus Committee are accessible to Trustees on request; however, a motion of the Caucus Committee is required prior to providing a Trustee the minutes of a Caucus Committee meeting if that Trustee was not a member of the Caucus Committee at the time of the meeting.
- The minutes of the Caucus Committee are approved by the Caucus Committee at the next regular meeting of the Caucus Committee.

DATE: February 17, 2015
TO: Board of Trustees
FROM: Darrel Robertson, Superintendent of Schools
SUBJECT: Bereavement
ORIGINATOR: Angela Anderson, Managing Director, Human Resources
RESOURCE STAFF: Sandy Boyce
REFERENCE: [FM.BP Acknowledgement of Deaths and Bereavements](#)
[FM.AR Deaths and Bereavements](#)

Mr. James Kelso passed away January 17, 2015, at the age of 53 years. Mr. Kelso began his teaching career with Edmonton Public Schools in 1996 at Hardisty School. He obtained a continuous contract in 1997. James also taught at Winterburn School and at Argyll Centre. At the time of his passing, he was on sick leave from Argyll Centre. Mr. Kelso is survived by his wife Gail, son David, and daughter Laura.

A memorial donation will be made on behalf of the Administration and Board of Trustees to 7MEDIA*.

AA:sb

*7MEDIA's mission is to create new and dynamic media to reach the unsaved people of Japan. Through films, social media, hosting events, and partnering with local churches and Christian organizations, 7MEDIA is speaking life into the seven major facets of Japanese society.

DATE: January 20, 2015

TO: Board of Trustees

FROM: Student Trustee Johannah Ko

SUBJECT: Student Trustee Update

ORIGINATOR: Dr. Sandra Stoddard, Executive Director Governance and Strategic Support Services

REFERENCE: [November 25, 2014 Board Report – 2014-2015 Student Trustee Role and Responsibilities Statement](#)

Student Trustee Johannah Ko will provide a verbal update regarding her activities as Student Trustee.

SS:mmf