

COSC

May 1, 2019

Education Act: What do we know from before

- Question is:
 - does the School Act need to be shredded or just updated and improved upon?

Major Implications

- Age of Entitlement
- Residency
- Special Education vs. Specialized Supports and Services
- Section 32: Parental Rights and Responsibilities
- Appeals to the Board
- Natural Person Power
- Eligibility to Vote.....

Age of Entitlement

- Change:
 - The age of entitlement to an education is increased from 18 to 20.
- Implications:
 - Special education students will be the prime users of this expanded entitlement, with significant funding implications.

Residency

- Change:
 - The Act establishes which district a student is a resident of by reference to the residence of the student. The *School Act* establishes which district a student is a resident of by reference to the residence of the student's parent.
- Implications:
 - **Special needs sponsorships will disappear.**
 - **International students will be able to get around fees.**
 - **Students will move catchment areas with ease.**
 - **Religion is treated differently.** The Act defines geographical residence by reference to where the student lives, but religious residence by reference to the religion of the parents.

Special Education vs. Specialized Supports and Services

- Change:
 - The *School Act* refers to a “special education program”, whereas the Act refers to “specialized supports and services.”
- Implications:
 - **Is it just terminology?**
 - **Parental Consent Unchanged.**
 - **Coding not done away with.** An additional complication is that without specialized assessments, a student cannot be coded, but coding continues to be a requirement of Alberta Education.

Section 32: Parental Rights and Responsibilities

- Change:
 - This is an entirely new provision, and reads as follows:
- ***“32 A parent has the prior right to choose the kind of education that shall be provided to the parent’s child, and as a partner in education, has the responsibility to***
- *(a) act as the primary guide and decision-maker with respect to the child’s education,*
- *(b) take an active role in the child’s educational success, including assisting the child in complying with section 31,*
- *(c) ensure that the child attends school regularly,*

Section 32: Parental Rights and Responsibilities

- *(d) ensure that the parent's conduct contributes to a welcoming, caring, respectful and safe learning environment,*
- *(e) co-operate and collaborate with school staff to support the delivery of specialized supports and services to the child,*
- *(f) encourage, foster and advance collaborative, positive and respectful relationships with teachers, principals, other school staff and professionals providing supports and services in the school, and*
- *(g) engage in the child's school community."*
- Implications:
 - the Act represents a significant shift towards parental control. The parent now has the expressed right to *choose the kind of education that shall be provided to the parent's child and to act as the primary guide and decision-maker with respect to the child's education.* This potentially represents a profound shift which might well have significant operational and cultural implications.

Appeals to the Board

- Change:
 - Parents of kindergarten children have been given eligibility to appeal under this section. In the *School Act*, it was only parents of students.
- Implications:
 - this creates the potential for more appeals.

Natural Person Power

- Change:
 - This is an entirely new provision.
- Implications:
 - under the *School Act*, the Board has only those powers that are expressly or impliedly given to it in the Act. Therefore, any new initiative must undergo scrutiny as to whether or not it is permitted under the Act.
 - with natural person powers, the Board will be able to do whatever it wishes to do unless it is specifically prohibited or constrained under the Act or by the Minister.
 - This is a very positive change for the Board, allowing it to pursue many more initiatives without fear of exceeding its mandate.

Eligibility to Vote.....

- Change:
 - An entirely new section has been added
- Implications:
 - this is a very strange provision, as it allows persons who are residents of a separate school division to choose whether they can vote or run for election in either the separate division or the public division.
 - non-Catholics do not get the reciprocal right to vote and run for election in the separate school division.
 - This is patently unfair and should draw criticism from both the public and separate sectors.