

Education Act 101

THINGS YOU SHOULD KNOW



Education Act and Regulations

1

- ▶ The Education Act originally was proclaimed in 1990, and there have been minor revisions and updates since that time.
- ▶ The following regulations have been created under the authority of the Education Act:

General

- ▶ French as a First Language Instruction regulation
- ▶ Kindergarten Regulations
- ▶ Regulation on Fees for Nonresident Students
- ▶ Separate Schools Regulations

Education Act and Regulations

- ▶ The following regulations have been created under the authority of the Education Act (continued)

Alternative Education:

- ▶ Home Education Regulations
- ▶ Private School Regulations
- ▶ Regulation of Fees for Distance Education Courses

Operations:

- ▶ Student Transportation regulations

Education Act and Regulations

- ▶ The following regulations have been created under the authority of the Education Act (continued)

Teachers

- ▶ Teacher Certification Regulations
- ▶ Teacher Qualification Regulations

Elections:

- ▶ School Board Election Regulations
- ▶ School Committee Election Regulation
- ▶ School Council Election Regulations

Associated Acts and Regulations

- ▶ Other pertinent Acts and Regulations for Schools are:
- ▶ School Trespass Act (2002)
- ▶ Moveable Soccer Goal Safety Act (2013)
 - ▶ Moveable Soccer Goal Safety Regulation
- ▶ Teaching Profession Act (2002)
- ▶ The Department of Education is also responsible for acts and regulations in the areas of Post-Secondary Education and Early Learning and Child Care
- ▶ All Acts and Regulations are publicly available online

Department of Education Policies

- ▶ Acts and Regulations are legislated
- ▶ The Minister also sets Department of Education Policies, which apply to all Yukon public schools, regardless of whether they are school board or school authority schools.
- ▶ Department of Education Policies are available in both French and English on Yukon.ca
- ▶ Within the framework of Department of Education Policies, schools have the ability to create their own operational policies, procedures and guidance. School councils are involved in this process.

Education Act Overview

- ▶ The Education Act is comprehensive legislation and covers the following areas.
- ▶ Part 1: Interpretation (definitions and limitations)
- ▶ Part 2: Territorial Administration
 - ▶ Department of Education
 - ▶ Goals and objectives
 - ▶ Duties of the Minister
 - ▶ Powers of the Minister
 - ▶ Agreements
 - ▶ Appointments
 - ▶ Delegation

Education Act

Part 2: Goals and Objectives

- ▶ While much has changed in the Yukon, Canadian and global landscape since 1990, the goals and objectives underlining the Education Act were whole child focused and have stood the test of time.
- ▶ These are covered under Part 2, Section 4, and focus on the academic, social, emotional, creative and physical development of students.
- ▶ There is also a focus on the importance of understanding historical and contemporary Yukon context, including Yukon First Nations language, culture and rights.
- ▶ Equality under the *Canadian Charter of Rights and Freedoms* and the *Yukon Human Rights Act* are explicitly protected within the Education Act.

Education Act Overview

- ▶ Part 3: Students and Parents
 - ▶ Division 1: Access to Education
 - ▶ Right to Education
 - ▶ Responsibility to resident students
 - ▶ Free education
 - ▶ Access
 - ▶ Choice of other educational program
 - ▶ Division 2: Special Education
 - ▶ Special Education
 - ▶ Determination of special education needs
 - ▶ Special Education appeals

Education Act Overview

- ▶ Division 3: Students and Parents (cont.)
 - ▶ Parent Rights and Responsibilities
 - ▶ Rights and responsibilities for parents
 - ▶ Choice of education
 - ▶ Student records
 - ▶ Damage to school property
- ▶ Division 4: Compulsory Education
 - ▶ Compulsory Education
 - ▶ Excusing from attendance
 - ▶ *Public Health and Safety Act*
 - ▶ School attendance counsellors
 - ▶ Attendance policy
 - ▶ Legal proceedings

Education Act Overview

- ▶ Division 5: Optional Education
 - ▶ Human rights
 - ▶ Private schools
 - ▶ Distance education
 - ▶ Home education
 - ▶ Kindergarten
 - ▶ Pre-School education programs

Education Act Overview

- ▶ Division 6: Student Rights and Responsibilities
 - ▶ Rights of Students
 - ▶ Freedom of opinion
 - ▶ Corporate punishment
 - ▶ Exercise of rights
 - ▶ Duties of students
 - ▶ School rules
 - ▶ Dismissal of students
 - ▶ Suspension of students

Education Act Overview

- ▶ Part 4: School Operation
 - ▶ Language of instruction
 - ▶ Locally developed course of study
 - ▶ Instructional materials
 - ▶ Patriotic exercises
 - ▶ School year
 - ▶ Transportation
 - ▶ Accommodation

Education Act Overview

- ▶ Part 5: Yukon First Nations
 - ▶ Yukon Land Claims Agreement
 - ▶ Language of instruction
 - ▶ Yukon heritage and environment
 - ▶ Aboriginal languages
 - ▶ Agreements
 - ▶ Central Indian Education Authority
 - ▶ Cultural Activities
- ▶ Part 6: French Language and Separate School Rights
 - ▶ French language
 - ▶ Separate schools

Education Act Overview

- ▶ Part 7: School Committees, Councils and School Boards
 - ▶ Division 1: Establishment
 - ▶ Attendance Area
 - ▶ Education Area
 - ▶ Re-Arrangement
 - ▶ Dissolution
 - ▶ Assigning schools to areas
 - ▶ Council
 - ▶ School Board
 - ▶ Members or trustees
 - ▶ Composition

Education Act Overview

- ▶ Part 7: School Committees, Councils and School Boards
 - ▶ Division 1: Establishment (continued)
 - ▶ Guaranteed representation
 - ▶ School committees changing to councils
 - ▶ Exemption
 - ▶ Corporate status
 - ▶ Councils changing to School Boards
 - ▶ Combining Councils
 - ▶ Combining School Boards
 - ▶ Combining School Board with Council or school committee
 - ▶ Ministerial Authority to combine
 - ▶ Transfer of assets

Education Act Overview

- ▶ Part 7: School Committees, Councils and School Boards
 - ▶ Division 2: Elections
 - ▶ Election of School Boards; Election of Councils; Election of school committees; Election of new School Boards and Councils; Qualifications of electors; Persons not qualified to vote; Chief electoral officer; Returning officer; Qualification of candidates; Notice of nominations; Nomination paper; Nomination of candidates; Order of names on ballot paper; Acclamation; Election of School Boards; Hours of polling; Polling places; Deputy returning officer and poll clerk; Polling station supplies; List of electors; Taking of the Poll; Mail-in voting; Initials on ballot paper; Candidates' agents; Oath of qualification; Counting of ballots; Statement of votes; Sealing of documents; Declaration of candidates elected; Recount; Vacancies; Commissioner in Executive Council; Oath administered as provided; Renumeration for elections officers

Education Act Overview

- ▶ Part 7, Division 3: Powers and Duties
 - ▶ School Committees; School Councils; Powers of the Minister; Discretionary grants; School Boards; Agreements; Other agreements; Renumeration; Obligation to consider; Association; Non-Disclosure; Resignations; Director; Principal as director; Superintendent of schools; Secretary-treasurer; Member as secretary-treasurer; Relationship to Government of Yukon; Disposal of property; Records

Education Act Overview

- ▶ Part 7, Division 4: Meetings and Operations
 - ▶ Oath of office; Oath of non-disclosure; Organizational meeting; Chair; Resignations of chair; Meetings; Rules of procedure; Regular meetings; Special meetings; Quorum; Required votes, Exercise of powers; Bylaws; Open meetings; Closed meetings; Exclusion from meetings; Annual meeting; Special meeting of electors; Regulations Act.
- ▶ Division 5: Conflict of Interest
 - ▶ Disqualification; Voting; Application to court; Hearing of application; Inadvertence of error.

Education Act Overview

- ▶ Part 8: Appeals
 - ▶ Local appeals
 - ▶ Education Appeal Tribunal
 - ▶ Composition
 - ▶ Mediation
 - ▶ Procedure
 - ▶ Powers of the Educational Appeal Tribunal
 - ▶ Matters to be considered
 - ▶ Final decision
 - ▶ Enforcement of order
 - ▶ Copy to the Minister

Education Act Overview

- ▶ Part 9: Teachers
 - ▶ Teacher Qualifications
 - ▶ Rights of Teachers
 - ▶ Duties of teachers
 - ▶ Duties of principals
 - ▶ Employment of staff

Education Act Overview

- ▶ Part 10: Finance
 - ▶ Financial year; Appointment of auditor; Duties of the auditor; Annual operations and maintenance budget for School Board; Expenditures; Unauthorized expenditures; Surplus funds; Funding; Investments; *Financial Administration Act*; Borrowing; Capital grants; Consideration of budget for schools; Discretionary grants
- ▶ Part 11: General
 - ▶ Division 1: Regulations, Policies and Guidelines
 - ▶ Regulations
 - ▶ Policies and guidelines

Education Act Overview

- ▶ Part 11: General
 - ▶ Division 2: Offences, Liability and Immunity
 - ▶ Disturbances; Penalty for false reports; Penalty for retaining money or books; Penalty for voting irregularities; Liability of trustees for debts; Immunity from evaluators; Immunity for elected persons
 - ▶ Division 3: Teacher Qualification Board
 - ▶ Teacher Qualification Board

Education Act Overview

- ▶ Part 11: General
 - ▶ Division 4: Teacher Certification Board
 - ▶ Teacher Certification Board
 - ▶ Chair and secretary
 - ▶ Power of the Teacher Certification Board

Education Act Overview

- ▶ Part 11: General
 - ▶ Division 5: Ministerial Powers
 - ▶ Investigation
 - ▶ Advisor to a School Board
 - ▶ Official trustee of a School Board
 - ▶ Duties of official trustee
 - ▶ Access to records
 - ▶ Revocation of appointment
 - ▶ Review of the Act
- ▶ Part 12: Bargaining Agent



School Council


Yukon

SC LIAISON ROLES

The School Council Liaison (SCL) is a departmental position to support school councils to carry out their duties.

- **Attends SC meetings, delivers training, develops resources, and coordinates conferences**
- **Provides information services – interpreting legislation, finding resources, navigating government**
- **Assists administrators, SCs, and superintendents to problem solve**
- **Performs administrative functions – appointments process, SC financials, oath-taking, monitoring reporting requirements**
- **Coordinate's school calendar processes with SC's, administrators and within government**

Background

- Education Act proclaimed in 1990 was built on a foundation of partnerships intended to provide more local input.
- With one exception, school councils (SC) quickly replaced school committees.
- SC's have a significant range of authorities and responsibilities. School committees are primarily advisory.
- The Act assigns specific responsibilities to school boards, councils, administrators, and superintendents.
- Additional guidance is provided in regulations, policies, procedures and protocols.

Education Act

- **Territorial SC elections occur every 2 years with provisions to fill vacancies between elections or by-elections may be called. Guaranteed representatives are appointed by their respective Yukon First Nation.**
- **School councils receive annual operating and professional development funding from Yukon Education.**
- **School councils are required to provide monthly meeting minutes and annual financial reporting.**

Education Act

- **The Education Act has an entire section (Part 7) devoted to School Councils, Boards and Committees, from Section 58 through to Section 155.**
- **Section 113 refers to all the shalls and mays that Councils and Boards have authority over.**
- **The shalls include their participation in the school growth plan, making budget recommendations, principal hire, dispute resolution procedures, reporting requirements and attendance policy.**
- **The mays include local courses of study, school calendar input, approving overnight field trips, recommending teacher or principal evaluation, and recommending the discipline, transfer, or dismissal of staff.**

WHAT ARE THE MOST IMPORTANT SC ROLES

30



Role of the Chair

- ▶ The Chair is essential role in facilitating a good meeting
- ▶ Once a meeting has begun, the Chair needs to direct the business and conduct the meeting by doing the following:
 - ▶ Introduce speakers
 - ▶ Limit the time of speakers
 - ▶ Maintain order
 - ▶ Limit debate to the question or issue that is under discussion
 - ▶ Appoint committees
 - ▶ State and put to vote all proper motions which are seconded and announce the results of the votes
 - ▶ Decide on points of order promptly and fairly

SC ROLES

- SC members support two-way communication with community
- They support, encourage, promote, and sometimes develop school programs
- SC members participate in the school growth process, principal hire, and budgeting
- Councils work with school administrators and superintendents to problem solve and resolve disputes
- They advocate on behalf of their schools
- SC's participate in the development of school-based policies, rules, and procedures
- They provide advice on staffing needs, school calendars, course offerings, renovations, and student transportation

Commitment

- ▶ School councils should meet monthly but are required to have no less than 4 per year. In year 2, there is voting that takes place
- ▶ Chair and secretary & or treasurer have additional duties
- ▶ Additional meetings are sometimes required for particular tasks (i.e. principal hire, school growth plan)
- ▶ SC may form subcommittees for work such as policy development
- ▶ SC members may volunteer for school activities such as meal programs, family events, etc. but that is not a stipulated role of the office
- ▶ SC members may participate on departmental committees

School Growth Process

- **School growth plans are the roadmap for individual schools' direction**
- **School growth plan teams should include school council member(s) in the process to provide a community lens**
- **Under the leadership of the school administrator, these teams develop, review, modify, and monitor implementation of the plan**
- **Administrators are strongly encouraged to include school council members as part of these teams, and not simply report back to them**

Policy Development

- A SC may “establish rule and policies on any matter within its jurisdiction” s.113(2)(e).
- All Yukon public schools must follow all Department of Education issued policies, regardless of whether they are school authority or school board schools. Department of Education policies are available here:
<https://yukon.ca/en/find-department-education-policy>
- Within this overarching policy framework, there is room for schools to create school-based policies and operational guidance.
- Policy development occurs in collaboration with the school administrator, staff, and superintendent. Departmental policies provide guidance.
- This work provides a community lens to the day-to-day operations of the school.

Dispute Resolution

- **S.113(1)(d) ...a council shall “in consultation with the superintendent, school administration and teachers, establish a procedure for resolving disputes between schools, parents, and teachers.”**
- **These policies vary school to school but contain more similarities than differences. All dispute procedures involve the main parties in a dispute before school administration, SC, or superintendent**
- **Councils should review their procedure at the beginning of the school year with their administrator, revise if necessary and communicate the process to the school community**
- **Fairness, transparency, and consistency are key elements of an effective resolution process**

Principal Hire and Evaluation

- The superintendent engages the school council or sub-committee who work through the hiring process from posting to selection
- School Councils participate in school administrators' evaluations through an interview with the superintendent
- School Councils may “direct” the superintendent to evaluate a principal or teacher (s.113(2)(g)). They may direct the principal to evaluate a teacher (s.113(2)(h)).
- School Councils may recommend the dismissal, transfer, discipline or demotion of a teacher, principal or other employee in the school and provide reasons for the recommendation (s.113(2)(i)).

Guaranteed Representation

- Yukon First Nations (YFN) have the opportunity to negotiate agreements with the Minister of Education to establish guaranteed seats on school councils (s.68)
- Guaranteed representatives support and encourage Yukon First Nations perspectives in our schools through the school council table
- All school councils can have guaranteed seats and these should be reviewed from time to time as demographics change
- Guaranteed representatives have the same roles, responsibilities and authorities as other school council members

CHALLENGES

- **The work is all about communication and relationships. Leadership is critical to be effective and needs to be local. Trust is a necessary foundation for all our work.**
- **Some mandated and perceived roles of school council members are conflicting – advocacy verses adjudication. Being a School Council member and a parent may create conflicts, whether real or perceived.**
- **Some sections of the Education Act are not supported in regulation and/or policy resulting in different interpretations and occasional frustration. If there is uncertainty, ask us.**
- **The voluntary nature of these positions sometimes create challenges related to differing skill sets, competing priorities, and training.**

Things to remember

- ▶ **Not all school councils are the same**
- ▶ **All School Councils are important**
- ▶ **Although their styles may be different, all School Councils care about the students and their school community, hence the reason for serving.**
- ▶ **They are key partners in education.**