

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF TRUSTEES OF GREATER ST. ALBERT ROMAN
CATHOLIC SEPARATE SCHOOL DISTRICT NO. 734
HELD on MONDAY, November 24, 2014, 6:30 P.M.
District Office, 6 St. Vital Avenue
St. Albert, AB**

MEMBERS PRESENT Trustees Caron, Crockett, McEvoy, Proulx, Radford, and Shaw

MEMBERS ABSENT Trustee Kaup

ADMINISTRATION PRESENT

D. Keohane, superintendent, S. McGuinness, assistant superintendent, D. Quick, assistant superintendent, D. Schlag, secretary-treasurer

CALL TO ORDER Trustee Radford called the meeting to order at 6:30 p.m.

OPENING PRAYER Trustee Radford offered the opening prayer.

IN CAMERA

80/15 Trustee Shaw: **THAT** the Board of Trustees move In Camera at 6: 32 p.m.

CARRIED (4/4)

Trustee Proulx joined the meeting at 6:38 p.m.
Trustee Caron joined the meeting at 6:40 p.m.

OUT OF CAMERA

81/15 Trustee Crockett: **THAT** the Board of Trustees move Out of Camera at 7:31 p.m.

CARRIED (6/6)

APPROVAL OF AGENDA

82/15 Trustee McEvoy: **THAT** the Board of Trustees approve the agenda as presented

CARRIED (6/6)

APPROVAL OF MINUTES

83/15 Trustee Proulx: **THAT** the Board of Trustees approve the minutes of the regular meeting of the Board held on October 27, 2014 as circulated.

CARRIED (6/6)

84/15 Trustee Shaw: **THAT** the Board of Trustees approve the summary of the Board Advocacy Committee meeting held on November 3, 2014 as circulated and amended to exclude the submission of Trustee Radford's written report, which was submitted just prior to tonight's meeting.

CARRIED (6/6)

85/15 Trustee Crockett: **THAT** the Board of Trustees approve the minutes of the Financial Audit Review regular meeting of

the Board held on November 20, 2014 as circulated.

CARRIED (6/6)

COMMITTEE AND EVENT REPORTS

86/15 **Trustee Shaw:** **THAT** the Board of Trustees approve the two committee reports related to the Board Advocacy Committee meeting held on November 3, 2014, as attached.

CARRIED (6/6)

GOOD NEWS

Trustee Radford shared the Good News report and the 150th anniversary video with those in attendance. Accolades to those involved in the development of it; it evoked many memories and in some cases tears among parish members who viewed it during Catholic Education Sunday celebrations.

QUESTIONS FROM THE PUBLIC

There were no questions from the public.

CONSENT ITEMS

87/15 **Trustee McEvoy:** **THAT** the Board of Trustees approve the review of Board Policy 4 - Trustee Code of Ethics and Board Policy 12 - Role of the Superintendent with no changes.

CARRIED (6/6)

ACTION ITEMS

Audited Financial Statements

Secretary-treasurer Schlag presented the audited financial statements for 2013-2104; the statements present a strong financial position for the District that addresses the needs of all students.

Trustee Radford noted the District had a small deficit in transportation. While the District aims to break-even when financially planning for this, it is still necessary to charge parent fees as costs have exceeded revenues for many years. Trustee Radford acknowledged the outstanding work of the finance department.

88/15 **Trustee Crockett:** **THAT** the Board of Trustees approve for release the Audited Financial Statements and Notes for the year ending August 31, 2014 with operating revenues of \$67,988,422 and operating expenditures of \$68,967,660, resulting in an operating deficit of (\$979,238).

AND

THAT the Board of Trustees receive the Unaudited Schedule to the Financial Statements for the year ending August 31, 2014, as information.

CARRIED (6/6)

Fall Budget Update

Secretary-treasurer Schlag presented the Fall Update Budget which reflects the September 30, 2014 enrolment data, adjusting the original budget information provided in spring 2014. The budget reflects total expenditures of \$69,483,647 with a projected operating deficit of \$241,000 or less than one half a percent of total expenditures.

89/15

Trustee McEvoy: **THAT** the Board of Trustees formally receive the FALL 2014 UPDATE to the 2014-2015 BUDGET, reflecting Revenues of \$69,242,647 and Expenses of \$69,483,647; an overall deficit of (\$241,000), as information.

CARRIED (6/6)

Combined 2013-2014 Annual Education Results Reports & 2014-2017 Three-Year Education Plan

Superintendent Keohane presented the outstanding annual results of the District and provided a summary of the goals, outcomes and strategies for the future as required by Alberta Education. The success of all of our students was highlighted but in particular, our First Nations, Metis, and Inuit students.

90/15

Trustee Shaw: **THAT** the Board of Trustees approve the combined 2013-2014 Annual Education Results Report & 2014-2017 Three-Year Education Plan for submission to Alberta Education, as amended with the change on page 11.

CARRIED (6/6)

Board Meeting Calendar Amendment

91/15

Trustee Proulx: **THAT** the Board of Trustees defer the date change for the annual Board Planning Session until the December 15, 2014 regular meeting of the Board.

CARRIED (6/6)

NEW BUSINESS

There was no new business.

INFORMATION ITEMS

Report from the Chair

There was no report from the Chair.

Report from the Superintendent

Assistant Superintendent McGuinness provided both an update on the Field Trip Activity in the District and the Jurisdiction Class Size Report which is consistent with the previous year.

MEETING EXTENSION

92/15

Trustee McEvoy: **THAT** the Board of Trustees extend the meeting to 10:00 pm.

CARRIED (5 in favor, 1 opposed-Caron)

Assistant Superintendent Quick provided an update on Educational/Inter-agency Partnerships highlighting the new partnership with Norquest College to deliver a first year post-secondary English course that will be dual credit.

93/15

Trustee Caron: **THAT** the Board of Trustees receive the superintendent's report as information.

CARRIED (6/6)

BOARD COMMITMENTS

94/15

Trustee Proulx: **THAT** the Board of Trustees approve the Board Commitments as presented and updated at this meeting.

CARRIED (6/6)

CLARIFICATION PERIOD FOR PUBLIC & MEDIA

There were no questions.



Greater St. Albert Roman Catholic Separate School District No. 734

Committee Report Summary

Board Advocacy Committee Meeting Date: November 3, 2014

Submitted by Trustee: Serena Shaw, Joan Crockett

Committee/Event Name: ASBA Legal Conference

Committee/Event Meeting Date & Time: October 7/8, 2014

Highlights of Items Relevant to GSACRD:

A. (Serena Shaw)

Updates on Legal Developments in the Duty to Accommodate. Presented by Arman Chak, Legal Counsel Alberta Human Rights Commission.

Protected Grounds:

Race, Marital Status, Religious beliefs (including Native Spirituality), Family status, colour, age, gender, ancestry, physical disability, mental disability, place of origin, source of income, sexual orientation.

Arman feels that Educational Institutions are at a disadvantage of catching up. We are all trapped in idealism. How do we educate in a safe and diverse way? Human Rights take precedence over provincial legislation. He believes that communication is the best way to avoid complaints. The amount of money that is spent is astronomical.

We are in the position to accommodate for both staff and students. Education is the second biggest public policy second to Health. However part of Health is encompassed in Education.

The Moore case is about accommodating students. The Montoroso case is about accommodating staff.

What are school boards expected to do to accommodate its' employees?

We are not just employees, but service providers as well. It is a real balancing act. We must accommodate to the point of "undue hardship". The accommodation must be reasonable, not perfect. However, there may be basic requirements that we cannot accommodate for, such as sight for a driving job.

Physicians can prescribe "functional limitations" only. Additional information should be sought to help with the decision making. It is a privacy issue, however, it is a balancing act. We should be looking for functional limitations. One issue brought up was Bus Drivers age. Some districts have mandatory retirement at a certain age. Does this affect us?

B. (Joan Crockett)

Beyond the legal arguments: Why should we accommodate employees? – Grace Cook,

Shasta Desbarats

- ✓ **Alberta Human Rights Act 7(1)** No employer shall: a) refuse to employ or refuse to continue to employ any person, or b) discriminate against any person with regard to employment or any term or condition of employment because of race, religious beliefs, color, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.
- ✓ **AHRA definition** – “**Accommodation** means making changes to certain rules, standards, policies ... and physical environments to ensure that they don’t have a negative effect on a person because of the person’s mental or physical disability. . . or any other protected ground. Accommodation is a way to balance the diverse needs of individuals”.
- ✓ **Duty to accommodate** to the point of “undue hardship”, financial costs, size and resources of the employer, disruption of operations, morale problems of other employees, substantial interference with the rights of others. (*Accommodation must be reasonable, not perfect. The employee must also play a role*).
- ✓ **BFOR – Bona fide occupational requirements** recognizes that in certain circumstances a limitation of individual rights may be reasonable and justified and discrimination or exclusion may be allowed if an employer can show that a discriminatory standard, policy, or rule is a necessary requirement for a job.
- ✓ **Accommodation requests** – *Can doctors prescribe assignments?* No, as they are not the experts in the education field nor do they have that mandate. Using a patient’s perception for a prescription of duty is not justified.
- ✓ **Recent decision** – there is a decision on the issue of mandatory retirement of school bus drivers that was heard by the Alberta Human Rights Tribunal and a decision has not yet been released.

Medical Marijuana – Shasta Desbarats, Greg Francis

- Doctors may prescribe marijuana (in pill or vaporizer form) to treat certain conditions such as epilepsy
- Marijuana for Medical Purposes Regulations (MMPR) came into effect March 31, 2014
- Federal interim injunction grants persons who are authorized to possess will continue to do so on an interim basis
- Medical use of marijuana is to be treated like other medications prescribed to the students
- Schools must follow its Administration of medication policies and forms
- School must ensure they possess a copy of the valid Authorization to Possess
- A student who has this prescription must be accommodated to the point of “**undue hardship**”.

Administration of medication and emergency assistance in schools – Angela Town, Maggie Baczynski

- ***Duty of Care*** S. 33 (1) d Education Act “ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe environment that respects diversity and fosters a sense of belonging.”
- ***“in loco parentis”*** school personnel must ensure students are cared for in the manner of a reasonable and careful parent of a large family
- ***Bans? Peanuts, dairy, egg ...*** staff cannot guarantee school is allergy free. Communication of staff to parents with student with allergies and parents of students without allergies is important
- ***Sudden Cardiac Arrest – AED’s*** – Special Ed children are more susceptible than regular children
- ***Professionals must be consulted for proper AED installation, maintenance, monitoring, and training. Communication of AED’s locations and the basics about their use is also mandatory.***
- ***School Act Good Faith Protection – Section 144.1*** Trustees, employees of a board and school council members are not liable for any loss or damage caused by anything said or done or omitted to be done ***in good faith*** in the performance of their functions, duties or powers under this Act or any other enactment.

Summary – Policies . . . Policies . . . Policies – implement, maintain, follow, enforce appropriate policies, rules and regulations.



Greater St. Albert Roman Catholic Separate School District No. 734

Committee Report Summary

Board Advocacy Committee Meeting Date: November 3rd, 2014

Submitted by Trustee: Noreen Radford

Committee/Event Name: ASBA Legal Conference

Committee Meeting Date & Time: October 7/8, 2014

Highlights of Items Relevant to GSACRD:

- A. **Duty to accommodate** means making changes to certain rules, standards, policies and physical environments. Duty to accommodate to the point of “undue hardship” is the key.
 - i. Financial ones
 - ii. Size and resources of employer
 - iii. Disruption of operations
 - iv. Morale problems of other employees
 - v. Substantial interference with the rights of others.
- B. Transgender rights: Greg Francis General Counsel, CBE / Shasta Desbarats. Lawyer ASBA
 - i. Gender is a protected ground under the Alberta Human Rights Act, and gender includes being male, female or transgender
 - ii. The law in this area is fairly new, there has been little interpretation
 - iii. Main issues that arise when providing accommodation are: use of restrooms, participation in sports, dress codes, bully and harassment, school records
 - iv. Gender is not sexuality or sexual orientation.
 - v. Applicants must provide a signed declaration stating the gender they identify with, along with a supporting letter from an MD or psychologist.
 - vi. Schools must become educated about issues related to transgender rights and that policy development in this area should be considered.

Case Study: A grade 8 student is transitioning from male to female. Jim was male at a school in grade 7, and then transferred to a different school in grade 8 where Jamie now presents as female. She has a letter from a psychologist supporting

this. She presents as anatomically male. Jamie has advised the school principal of her circumstances and insists they be kept private.
Jamie's class is going on a trip to Montreal and Ottawa and students must stay four in a room. Jamie has told the Principal she wants to go on the trip and must stay in a room with three girls, just like other students.

Do we have a policy?

C. Duty to accommodate – Moore vs. British Columbia

- i. This is a multi-party inquiry. A reasonable accommodation, not an instant or perfect accommodation
- ii. Communication between all parties vital
- iii. Early identification of students with special needs according to policies and practices
- iv. Appropriate assessment of those needs
- v. Identification and inclusion of supports necessary to provide a “meaningful education to a student with special needs
- vi. Act early

Implications for our board

1. Do any of our jurisdictions polices have an adverse impact on students with disabilities?
2. To what standard will our practices be held?
3. What if the jurisdiction's funding is deemed to be insufficient to meet the needs of all students with special needs?
4. How has this been determined?
5. What evidence is there about which programs should be cut and why?
6. Can it be explained how it is that there is not sufficient funding and what the impact will be on those students and what alternative arrangements have been made to address these concerns?
7. Accommodations must be provided to the point of undue hardship BUT, meaningful accommodation does not mean that the parent gets exactly what the parent wants.

This is a springboard for our board to hold a special meeting to discuss programming within our district in regards to costs, student success, and the ability to accommodate. This discussion can also be open to cost analysis of other programs and acknowledging their benefit to our general student population.