



Edmonton School District No. 7  
One Kingsway  
Edmonton, Alberta

McCauley Chambers  
Tuesday, March 3, 2015  
2:00 p.m.

Board Meeting #10

# 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 #9 – February 17, 2015
- G. **Comments from the Public and Staff Group Representatives**  
***(NOTE: Pre-registration with the Board Office [780-429-8021] is required by 4:30 p.m. – Monday, March 2, 2015 to speak under this item.)***
- H. **Reports:**
  - 2. Caucus Committee  
(Recommendation)
  - 3. Selection of Board Representative on the Alberta School Boards (ASBA)  
Board of Directors  
(Recommendation)
  - 4. One Year Extension of Principal Banker  
(Recommendation)
  - 5. Bereavement  
(Information)
- I. **Other Committee, Board Representative and Trustee Reports**
- J. **Trustee and Board Requests for Information**
- K. **Notices of Motion**
- L. **Meeting Dates**
- M. **Adjournment**

**MINUTE BOOK**

**Board Meeting #9**

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, February 17, 2015 at 2:00 p.m.

**Present:**

**Trustees**

Sherry Adams  
Orville Chubb  
Michelle Draper

Ken Gibson  
Sarah Hoffman  
Nathan Ip

Michael Janz  
Ray Martin

**Student Trustee**

Johannah Ko

**Officials**

Angela Anderson  
Diana Bolan  
Candace Cole

Jim Davies  
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

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

The Superintendent advised that Trustee Johner was absent. All other Trustees as well as Student Trustee Ko were present.

## MINUTE BOOK

### **C. Approval of the Agenda**

#### **MOVED BY Trustee Draper:**

**“That the agenda for the February 17, 2015 board meeting be approved as printed.” (UNANIMOUSLY CARRIED)**

### **D. Communications from the Board Chair**

The Board Chair reported that he had the opportunity as well as several other Trustees to attend a session regarding the importance of early childhood, socio-emotional development and early intervention sponsored by the Edmonton Public Schools Foundation and the Norlien Foundation on February 2<sup>nd</sup>. Dr. Nathan Fox and Dr. Melanie Berry shared current research and insights about child development and highlighted the significance of understanding, implementing and supporting evidence-informed best practices in the care and education of young children.

Also in the area of Early Childhood Development, Early Child Development Mapping Project Alberta released its final report which provides an overview of the work done by coalitions in one hundred communities throughout the province and puts forward recommendations for improving early childhood development outcomes. The Administration has requested sufficient copies of the final report to be distributed to district schools and central service administrators. A copy of the report can be found on the ECMap website at [www.ecmap.ca](http://www.ecmap.ca)

The Board Chair noted that February 25<sup>th</sup> is Pink Shirt Day. Pink Shirt Day started following an anti-bullying stand of two Grade 12 Nova Scotia students in 2007. The students took action after witnessing a Grade 9 student being bullied for wearing pink to school and encouraged their school mates to wear pink to send a message against bullying. Since then, the Pink Shirt Day campaign has sent a powerful message that *Bullying Stops Here*. Through awareness and education, Canadians can continue to take a stand against bullying. District staff, students and Trustees are encouraged to wear something pink on February 25<sup>th</sup> to show we are working together to prevent bullying in our schools.

The Society for Safe and Caring Schools & Communities partnered with the Institute for Sexual Minority Studies and Services (iSMSS) at the University of Alberta, Alberta Education and ATB Financial to create and share an infographic poster to celebrate Pink Shirt Day. Information for schools to obtain copies of the posters was provided in the February 13, 2015 edition of the *Need to Know News*.

## MINUTE BOOK

The Board Chair noted that the Chairs of the Edmonton Public, Edmonton Catholic, Calgary Public and Calgary Catholic school boards meet to discuss issues pertinent to metro school boards. He reported on the Metro Chairs' meeting that took place February 5<sup>th</sup>. He noted that the meeting went very well and provided an opportunity for great relationship building and information sharing. The next step for the Metro Chairs is to arrange a meeting with the Minister of Finance and President of the Treasury Board Robin Campbell and the Treasury Board to bring forward some of the key areas of concerns of the Metro school boards that have come up over the years. The group is also working on a revised Metro lobby one-pager that provides specifics about Metro school boards' capital and operational needs. The four Metro school boards represent almost 50% of Alberta students and are still experiencing tremendous growth which is a major challenge. He noted that, building on the meeting that the Edmonton Public School Board had with the Edmonton Capital Region Caucus and the Calgary Public School Board's meeting with the Calgary Region Caucus, the group is working together to ensure the messages and needs of the school districts are communicated.

### **E. Communications from the Superintendent of Schools**

The Superintendent advised that, on February 3, 2015, he attended the North-Central catchment professional development day held at Queen Elizabeth School. The focus of day was on professional development designed to examine a universal strategy for learning and supporting the District's work to ensure that every child in Edmonton Public Schools has access to a fantastic teacher in a great learning environment. He then visited Lorelei School to participate in a workshop with music teachers from across the catchment. One of the aspects of the workshop involved building and playing Aboriginal flutes.

The Superintendent advised that he and a number of the Trustees attended the District's Long Service Reception on Thursday, February 12, 2015. The event recognized staff celebrating 25, 30, 35, 40 and 45 years of service. There were three-hundred and fifty long-service recipients for 2015 representing a collective 9,880 years of experience with the District. The recipients were from across all staff groups.

The Superintendent thanked Trustees, staff and community members who are taking time to participate in his 360-degree evaluation process being conducted by Conroy Ross.

## MINUTE BOOK

### F. Minutes

1. Board Meeting #8 – January 20, 2015

#### **MOVED BY Trustee Martin:**

**“That the minutes of Board Meeting #8 held January 20, 2015 be approved as printed.” (UNANIMOUSLY CARRIED)**

### G. Comments from the Public and Staff Group Representatives

There were no registered speakers for this item.

### H. Reports

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

#### **MOVED BY Trustee Janz:**

**“1. That Report #7 of the Caucus Committee from the meeting held February 3, 2015 be received and considered.” (UNANIMOUSLY CARRIED)**

#### **MOVED BY Trustee Janz:**

- “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).”**

## MINUTE BOOK

**MOVED BY Trustee Janz:**

**“That the motion be amended to read: That in order to benefit Alberta students and maximize dollars in the classroom, the Edmonton Public School Board ~~give direction~~ **provide feedback** 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).”**

**The Board Chair called the question on the Amendment.**

**The Amendment was UNANIMOUSLY CARRIED.**

**MOVED BY Trustee Ip:**

**“That the motion be amended to read: That in order to benefit Alberta students and maximize dollars in the classroom, the Edmonton Public School Board provide feedback to the Edmonton Public Director on the Alberta School Boards Association (ASBA) Board of Directors to reduce membership fees **by 10 per cent** 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).”**

MINUTE BOOK

**MOVED BY Trustee Gibson:**

**“That the amendment to the motion be amended to read: That in order to benefit Alberta students and maximize dollars in the classroom, the Edmonton Public School Board provide feedback to the Edmonton Public Director on the Alberta School Boards Association (ASBA) Board of Directors to reduce membership fees by 10 per cent by advocating to the ASBA Board of Directors and at ASBA Zone 2/3 **measures including:****

- 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).”

**The Board Chair called the question on the Amendment to the Amendment.**

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

**OPPOSED: Trustee Draper**

**The Amendment to the Amendment was CARRIED.**

**The Board Chair called the question on the Amendment.**

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

**OPPOSED: Trustee Draper**

**The Amendment was CARRIED.**

**The Board Chair called the question on the Motion as Amended.**

**The Motion was UNANIMOUSLY CARRIED.**

MINUTE BOOK

3. Motion re Consent

**MOVED BY Trustee Chubb:**

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

**The Board Chair called the question.**

**The Motion was UNANIMOUSLY CARRIED.**

There was a break at this point in the meeting.

4. Caucus Committee

**MOVED BY Trustee Draper:**

**“That a resolution be approved directing that Section 5.4 of the Trustees’ Handbook as outlined in Attachment I be revised 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.”**

**MOVED BY Trustee Hoffman:**

**“That the proposed revision to Section 5.4 of the Trustees’ Handbook as outlined in Attachment I be amended to read as follows:**

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. must receive unanimous approval; and**
  - c. **decisions made by the Caucus Committee shall be reported to the Board in a public meeting.”**

**MOVED BY Trustee Hoffman:**

**“That the report and amendment be referred to the Administration to review and provide suggested wording for a proposed revision at the March 3, 2015 board meeting for Section 5.4 of the Trustees’ Handbook regarding a requirement for unanimous approval to delegate decision-making authority to the Caucus Committee.” (UNANIMOUSLY CARRIED)**



## MINUTE BOOK

### 5. Bereavement

Vice-Chair Draper reported on the passing of Mr. James Kelso.

### **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**

#### 6. Student Trustee Update

A video regarding of the Student Trustee election was shown.

Student Trustee Ko reported on her February 9<sup>th</sup> visit to Kirkness School. She met with a Grade 3 class and also with student representatives from Divisions I and II. The role of a school board was discussed as well as what the students expect from a Student Trustee. She also visited John D. Bracco School and met with the Kirkness leadership group and the Grade 7 leadership class.

Student Trustee Ko noted that, currently through the Legacy Class/Leadership Program, there is a group of four students and herself focused on working together to establish a support system for all District students that would not just inform and educate but would engage them as well.

### **J. Other Committee, Board Representative and Trustee Reports - Continued**

Trustee Adams, the Board's representative on the [Edmonton Public Schools Foundation](#) Board of Governors, introduced the new Director of the District Foundation, Ms Tracy Poulin who was in the audience.

Trustee Adams also reported on the following Foundation activities:

- February 19, 2015 - Information Session - Lauderdale School (11:50 to 1:10 p.m.)
- March 12, 2015 - Information Session - Lauderdale School (11:50 to 1:10 p.m.)
- March 26, 2015 - Information Session - Lauderdale School (11:50 to 1:10 p.m.)
- April 14, 2015 - 3<sup>rd</sup> Annual *Ready to Frame* art auction fundraiser at the Chateau Nova Kingsway (5:00 p.m. to 7:00 p.m.)
- April 23, 2015 - 5<sup>th</sup> Annual *Ready to Shine* fashion show fundraiser at Kingsway Garden Mall
- May 14, 2015 - 6<sup>th</sup> Annual *Ready for Life* fundraising breakfast at W.P. Wagner School (7:30 a.m. to 8:30 a.m.)

## MINUTE BOOK

Trustee Ip noted he was hosting a Ward H school network councils meeting this evening at 6:30 p.m. at Greenfield School. He invited everyone to attend.

Trustee Janz reported on behalf of Trustee Johner, the Board's alternate representative on the Alberta School Boards Association (ASBA) Board of Directors, on the February 12, 2015 ASBA Board of Directors meeting Trustee Johner attended. The budget assumptions (thirteen in total) were adopted and will guide the development of the ASBA's 2015-2016 budget. The highlights of the Board of Directors meeting (including the budget assumptions) are available on the Board Intranet Site (BIS) as well as on the [ASBA website](#).

### **K. Trustee and Board Requests for Information**

Trustee Hoffman requested that information be provided outlining some of the industry changes regarding the design and/or construction of school washrooms that increased safety, dignity and support responsible behaviour.

**L. Notices of Motion** – None.

**M. Next Board Meeting Date: Tuesday, March 3, 2015 at 2:00 p.m.**

**N. Adjournment (4:00 p.m.)**

**The Board Chair adjourned the meeting.**

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Michael Janz, Board Chair

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

**DATE:** March 3, 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](#)

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#### 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 above recommendation was brought to the February 17, 2015 board meeting.

The following amendment was subsequently proposed by Trustee Hoffman:

*That the proposed revision to Section 5.4 of the Trustees' Handbook as outlined in Attachment I be amended to read as follows:*

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. *must receive unanimous approval; and*
  - c. *decisions made by the Caucus Committee shall be reported to the Board in a public meeting.*

The proposed amendment and report were referred to the Administration for suggested wording for a proposed revision at the March 3, 2015 board meeting for Section 5.4 of the Trustees' Handbook regarding a requirement for unanimous approval to delegate decision-making authority to the Caucus Committee.

Trustee Hoffman will put forward a revised amendment at the March 3, 2015 board meeting.

#### ATTACHMENTS & APPENDICES

APPENDIX I – February 17, 2015 Board Report – Caucus Committee

SS: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](#)

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## 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 waving 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:** March 3, 2015

**TO:** Board of Trustees

**FROM:** Darrel Robertson, Superintendent of Schools

**SUBJECT:** Selection of Board Representative on the Alberta School Boards (ASBA) Board of Directors

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

**REFERENCE:** [Trustees' Handbook](#) (Section 7.2 – Ad Hoc Committees and Board Representation – Alberta School Boards Association (ASBA))  
[ASBA Bylaws](#)

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#### ISSUE

Trustee Sarah Hoffman was declared as the Board's representative to serve on the ASBA Board of Directors at the September 2, 2014 organizational board meeting. Trustee Hoffman subsequently was successful in obtaining an NDP nomination and, as a result, is not eligible to hold a position on the ASBA Board of Directors under [ASBA Bylaws](#) (5.1.3) which necessitates the selection of a Trustee to serve as the Board's representative on the ASBA Board of Directors.

#### [ASBA Bylaws](#)

*Bylaw 5 (Page 3)*

5. *Board of Directors Members*

5.1. *Eligibility*

5.1.3 *An individual in receipt of the nomination for a publicly elected provincial or federal office, or who currently occupies a publicly elected provincial or federal office shall not be eligible to concurrently hold the position of President, Vice-President, Director or Alternate Director.*

#### RECOMMENDATION

**That the Board select a Trustee to serve as the Board's representative on the Alberta School Boards Association (ASBA) Board of Directors for the remainder of the 2014-2015 school year until the September 2015 Organizational Board Meeting.**

SS:mmf

**DATE:** March 3, 2015  
**TO:** Board of Trustees  
**FROM:** Darrel Robertson, Superintendent of Schools  
**SUBJECT:** One Year Extension of Principal Banker  
**ORIGINATOR:** Candace Cole, Acting Director, Financial Services  
**RESOURCE STAFF:** John Griswold, Madonna Proulx  
**REFERENCE:** [Policy CO.BP – Fiscal Oversight and Accountability](#)

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### ISSUE

Edmonton Public School Board, as per Board Policy CO.BP- Fiscal Oversight and Accountability, is required to request proposals for the appointment of the District's principal banker every five years. The current five year term ends August 31, 2015.

The District is currently in the process of re-engineering its' business processes and financial systems (EBIZ). This is significant work that will be completed over the next ten months. Switching principal bankers while this work is being completed puts the EBIZ project at significant risk of not meeting the targeted implementation date of October 2015.

### RECOMMENDATION

- 1. That the requirement for re-tendering the principal banker every five years be extended to six years as a one-time exception, and**
- 2. That the Bank of Nova Scotia be appointed as the principal banker of the Edmonton School District No. 7 for the fiscal year September 1, 2015 to August 31, 2016.**

### BACKGROUND

The Bank of Nova Scotia was appointed to a new five-year term in 2010. Board Policy CO.BP – Fiscal Oversight and Accountability requires the Board to appoint the principal banker every five years and to request proposals from financial institutions at intervals not exceeding five years. The five-year term will end on August 31, 2015. The Bank of Nova Scotia has satisfactorily met the requirements as our principal banker during the five-year term.

The District is currently in the process of re-engineering its' business processes and financial systems. As such, the banking information (bank accounts, banking processes, and interfaces) will need to be constant over the next several months for the testing cycles of the new financial systems. If a new principal banker is incorporated in the next few months, there will be additional work to incorporate this change into the testing of the new system, and the timing will be such that it will negatively impact testing.

In addition, our Finance and Information Technology teams are currently focusing their efforts on implementing our new financial systems. If we were to switch principal bankers at this time, additional financial and human resources would need to be added to change our existing system that will be no longer be in place by October 2015.

The District has received a draft agreement from the Bank of Nova Scotia indicating that they would be able to accommodate a one-year extension with better terms and conditions that currently exist.

The Bank of Nova Scotia has been the District's principal banker for the past 30 years. They would be able to assist district staff through the changes to the financial systems.

**RELATED FACTS**

N/A

**OPTIONS**

N/A

**CONSIDERATIONS & ANALYSIS**

N/A

**KEY POINTS**

N/A

**NEXT STEPS**

- Review draft agreement to ensure conditions and terms are acceptable.
- Begin the request for proposal process for appointment of principal banker for September 1, 2016 – August 31, 2021

**ATTACHMENTS & APPENDICES**

N/A

CC : ja

**DATE:** March 3, 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](#)

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**Mrs. Barbara “Barb” Thomson** passed away on Friday, February 13, 2015, at the age of 58 years. Mrs. Thomson began working with the District on April 7, 1989, as a Lunch Aide at Meyokumin School. In September 1989, she transferred to Ekota School as a Program Aide. Her job title changed to Teacher Assistant 1998, and changed again to Educational Assistant in 2009. Mrs. Thomson remained at Ekota School until taking a leave of absence in 2013. Mrs. Thomson is survived by her husband Ron, and three children, Lana, Wade and Laura.

A memorial donation will be made on behalf of the Administration and Board of Trustees to the Edmonton Humane Society.

AA:sb