



The Board of Trustees of Edmonton School Division  
One Kingsway, Edmonton, Alberta

Via Zoom  
Tuesday, February 9, 2021  
2:00 p.m.

**Board Meeting #10**

- A. Roll Call
- B. Approval of the Agenda
- C. Communications from the Board Chair
- D. Communications from the Superintendent of Schools
- E. Minutes:
  - 1. DRAFT – Board Meeting #09 – January 26, 2021
- F. Comments from the Public and Staff Group Representatives  
*(NOTE: Pre-registration with the Board Office [780-429-8443] is required by 4:30 p.m. on Monday, February 8, 2021, to speak under this item.)*
- G. Reports:
  - 2. Report #22 of the Special Caucus Committee (From the meeting held Jan 19, 2021) (Information)
  - 3. Student Senate Work Plan Update (Information)
  - 4. COVID-19 Impact on the Division from November 11, 2020 to January 26, 2021 (Information)
  - 5. School Council Annual Report Highlights Summary (Information)
  - 6. Strategic Plan Update – Early Years (Information – Response to Requests for Information #087 and #088)
  - 7. Special School Tax Levy Plebiscite Process (Information – Response to Request for Information #090)
  - 8. Changes to the *Local Authorities Election Act* concerning Political Action Committees (Information – Response to Request for Information #091)
- H. Other Committee, Board Representative and Trustee Reports
- I. Trustee and Board Requests for Information
- J. Notice of Motion
- K. Meeting Dates
- L. Adjournment

# AGENDA

**BOARD OF  
TRUSTEES**

**Trisha Estabrooks**  
Board Chair

**Shelagh Dunn**  
Board Vice-Chair

**Sherry Adams**  
**Michelle Draper**  
**Ken Gibson**  
**Nathan Ip**  
**Michael Janz**  
**Bridget Stirling**

**MINUTE BOOK****Board Meeting #09**

Minutes of the Board Meeting of the Board of Trustees of Edmonton School Division of the Province of Alberta held via Zoom on Tuesday, January 26, 2021, at 2:00 p.m.

**Present:****Trustees**

Sherry Adams  
Shelagh Dunn  
Michelle Draper

Trisha Estabrooks  
Ken Gibson  
Nathan Ip

Michael Janz  
Bridget Stirling

**Officials**

Angela Anderson  
Todd Burnstad  
Grace Cooke  
Ron McNeil

Karen Mills  
Leona Morrison  
Kathy Muhlethaler  
Kent Pharis

Nancy Petersen  
Darrel Robertson  
Carrie Rosa  
Liz Yule

**Board Chair:** Trisha Estabrooks

**Recording Secretary:** Shirley Juneau

The Board Chair called the meeting to order with recognition that we are on Treaty 6 Territory, a traditional meeting grounds, gathering place, and travelling route to the Cree, Saulteaux, Blackfoot, Métis, Dene and Nakota Sioux. We acknowledge all the many First Nations, Métis and Inuit whose footsteps have marked these lands for centuries.

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

The Superintendent advised that Trustee Ip would be joining the meeting shortly and that all other Trustees were present.

**B. Approval of the Agenda**

**MOVED BY Trustee Janz:**

**“That the agenda for the January 26, 2021, Board meeting be approved as printed.”**

**(UNANIMOUSLY CARRIED)**

**Trustee Ip was not present for this item.**

**C. Communications from the Board Chair**

The Board Chair shared that she is encouraged to see the number of COVID-19 cases and hospitalizations declining in Edmonton and that the positivity rate is slowly decreasing. She said this is a glimmer of positive news in the midst of learning about new variants of the virus in Alberta. The Board

### **MINUTE BOOK**

Chair advised that a number of restrictions remain in place while Division schools remain open. She advised that two of the Division's high schools had to switch to online learning due a large number of staff and students having to isolate.

The Board Chair commended staff in Division schools for working to keep each other and students as safe as possible and also acknowledged the more than 800 teachers working online to support students.

The Board Chair reported that the Metro School Boards have sent a letter to Health Minister Shandro advocating for all school-based staff to be prioritized for the COVID-19 vaccine. She explained that teachers, educational assistants, custodians, and others working directly with students in schools are in situations daily which put them at greater exposure to contract the virus.

The Board Chair recognized the hard work of the Board of Trustees at the Calgary Board of Education in completing the ministerial order as directed by Education Minister LaGrange. She said that this welcomed news for not just the Calgary Board of Education but for all democratically elected school boards in the province.

The Board Chair reported that Eastglen students are talking about ways schools can be more inclusive of Black experiences, ways to fight anti-Black racism and create a vision that is more inclusive of Black communities. The Board Chair explained that this is a student-led project and that she looks forward to hearing what the students learn and what they will do with the information.

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

The Superintendent reported that on January 11, 2021, the Division was advised that the provincial language describing case numbers of COVID-19 in schools was being changed to the following:

- *Alert* is now used for one to four cases.
- *Outbreak* is now used for five cases or more.
- The term 'watch' will no longer be used.

The Superintendent advised that from January 12 to 22, 2021, 83 individuals in 46 schools tested positive requiring 2,030 students and 250 staff to self-isolate. He said that the Division continues to keep families informed by providing daily updates to media and publishing the number of cases on the Division's website daily.

The Superintendent stated that Quarter 2 comes to a close on Friday, January 29, 2021. He explained that Monday, February 1, 2021, has been designated as a professional development day and that Quarter 3 classes will begin on Tuesday, February 2, 2021. The Superintendent thanked all families who submitted their Family Choice form by the deadline and shared that knowing in advance whether students want to learn in-person or online is critical to the Division having staffing in place for the beginning of the new quarter.

**MINUTE BOOK**

Trustee Ip joined the meeting at 2:38 p.m.

**E. Minutes**

1. Board Meeting #08 – January 12, 2021

**MOVED BY Vice-Chair Dunn:**

**“That the minutes of Board Meeting #08 held January 12, 2021, be approved as printed.”  
(UNANIMOUSLY CARRIED)**

**F. Comments from the Public and Staff Group Representatives**

There were no registered speakers for this item.

**G. Reports**

2. Board Policy GGAB.BP Multicultural Education

**MOVED BY Trustee Stirling:**

**“1. That Board Policy GGAB.BP Multicultural Education be introduced.”  
(UNANIMOUSLY CARRIED)**

**“2. That Board Policy GGAB.BP Multicultural Education be read for the first time and approved for consultation for further stakeholder feedback.”  
(UNANIMOUSLY CARRIED)**

3. Board Policy GGAJ.BP Early Years

**MOVED BY Trustee Stirling:**

**“1. That Board Policy GGAJ.BP Early Years be introduced.”  
(UNANIMOUSLY CARRIED)**

**“2. That Board Policy GGAJ.BP Early Years be read for the first time and approved for posting on the Division website for final stakeholder feedback.”  
(UNANIMOUSLY CARRIED)**

4. Annual Update on Operational Efficiencies 2019-2020

Administration provided an update on efficiencies that were continued from 2018-2019, new efficiencies that were realized during the 2019-2020 school year, and other efficiencies currently being explored.

**MINUTE BOOK**

5. Data on Frequency of Seclusion and Restraint Use  
(Response to Request for Information #089)

Administration provided an update on the frequency of seclusion and restraint use since the Division implemented a new administrative regulation and training modules.

- H. **Other Committee, Board Representative and Trustee Reports** - None

- I. **Trustee and Board Requests for Information** - None

- J. **Notices of Motion**

Trustee Janz served notice of motion that as per Sections 13 and 14 of the *Joint Use Agreement* with the City of Edmonton, the Edmonton Public School Board initiate a renegotiation of the agreement in order to clearly articulate appropriate uses of surplus school sites that would keep neighbourhood schools open and strengthen the educational outcomes of the Public, Catholic, and Francophone school divisions.

Further, that the Edmonton Public School Board request the City of Edmonton to refrain from any further sale of public land to private schools until the renegotiation is complete.

- K. **Next Board Meeting: Tuesday, February 9, 2021, at 2:00 p.m.**

- L. **Adjournment: 5:00 p.m.**

**The Board Chair adjourned the meeting.**

---

Trisha Estabrooks, Board Chair

---

Karen Mills, Director of Board and  
Superintendent Relations



**DATE:** February 9, 2021

**TO:** Board of Trustees

**FROM:** Trustee Shelagh Dunn, Caucus Committee Chair

**SUBJECT:** Report #22 of the Special Caucus Committee (From the meeting held January 19, 2021)

**ORIGINATOR:** Karen Mills, Director Board and Superintendent Relations

**REFERENCE:** [Trustees' Handbook](#) – Caucus Committee - Section 5.4

---

### ISSUE

The Board approved the following recommendation at the March 3, 2015, Board meeting: That Section 5.4 of the Trustees' Handbook be revised 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.

**The following recommendation(s) were approved at the January 19, 2021, Special Caucus Committee meeting:**

#### Legal Matter #011921-01

1. *That the Board proceed on Legal Matter #011921-01 as recommended.*

### BACKGROUND

In accordance with Section 52 of the *Education Act*, the Board delegates to the Caucus Committee the following powers:

- 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 Division
  - the security of the property of the Division
  - the terms and conditions of a contract with the Superintendent of Schools in accordance with Section 222 of the *Education Act*,
- b. Reviewing the functioning of the Board
- c. Developing advocacy plans to other levels of government and strategic planning activities
- d. Engaging in professional development

The delegation of decision-making authority to the Caucus Committee is subject to the following limitations:

- a. it will be used only for matters that must be kept confidential or are time-sensitive;
- b. it will not be used unless a motion is unanimously approved in Caucus Committee approving the making of a decision on a particular matter; and
- c. decisions made by the Caucus Committee will be reported to the Board in a public meeting.

KM:km

**DATE:** February 9, 2021

**TO:** Board of Trustees

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

**SUBJECT:** Student Senate Work Plan Update

**ORIGINATOR:** Karen Mills, Director, Board and Superintendent Relations

**RESOURCE**

**STAFF:** Rachel Foley, Sean Jones, Nancy Petersen

**REFERENCE:** [November 3, 2020 Board Report: Student Senate 2020-2021 Work Plan](#)

---

## ISSUE

The Student Senate is presenting to the Board of Trustees an update of their work in support of their 2020-2021 Work Plan.

## BACKGROUND

At the November 3, 2020, public Board meeting, Student Trustees brought forward a report to the Board introducing their Student Trustees and executive. At that meeting, the Student Trustees also shared with the Board that the Student Senate had decided to make the focus of their work this year amplifying the voices of Black and Indigenous students.

## CURRENT SITUATION

The Student Senate has met twice since their last presentation to the Board. In those meetings, the Student Senate chose to broaden their focus topic to amplify the voices of BIPOC students, rather than just Black and Indigenous students. They also participated in an online brainstorming exercise and small group discussions which resulted in them selecting three projects and forming committees for each. For their projects, the Student Senators will create a magazine, a podcast and materials for workshops and clubs in support of their focus topic. Students Senators have been meeting outside of the regular monthly meetings to advance work on their projects.

## KEY POINTS

- For their 2020-2021 work plan, the Student Senate established that their key focus will be on amplifying the voices of BIPOC students.
- To carry out their work, they have selected three projects, each supported by a committee: a magazine, a podcast, and materials for workshops and clubs.
- Student Trustees will present a final summary of this year's work to the Board of Trustees in June 2021.

KM:km

**DATE:** February 9, 2021

**TO:** Board of Trustees

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

**SUBJECT:** COVID-19 Impact on the Division from November 11, 2020 to January 26, 2021

**ORIGINATOR:** Karen Mills, Director Board and Superintendent Relations

**RESOURCE STAFF:** Laurie Barnstable, Anna Batchelor, Megan Normandeau, Carrie Rosa

**REFERENCE:** January 12, 2021 Caucus Committee meeting

---

## ISSUE

The Board of Trustees received verbal and written updates on the Division's efforts to support students and staff and mitigate transmission during the COVID-19 pandemic. Trustees asked that information be shared regularly at public Board meetings.

## BACKGROUND

An information report with the Quarter 1 impact of COVID-19 on the Division was presented to the Board of Trustees at the November 24, 2020, Board meeting. That day, the [Government of Alberta announced](#) new public health measures, including a province-wide move to at-home learning for Grades 7-12 starting on November 30, 2020. With the exception of some students requiring specialized supports, all students participated in at-home learning the week after the winter break (January 4-8, 2021), resuming in-person learning on January 11, 2021.

## CURRENT SITUATION

Division schools continue to do everything they can to mitigate risk by following safety guidelines outlined in the Government of Alberta's school re-entry plan and our Division's Re-entry Strategy. This includes: screening for illness, handwashing and sanitizing, physical distancing where possible, enhanced cleaning standards, strict illness protocols, personal protective equipment (PPE), masks and cohorts.

There continues to be incidences of COVID-19 cases in our schools—a reflection of what we are seeing across the city and province. From November 11, 2020 to January 26, 2021:

- We received notice that 799 individuals in the Division tested positive for COVID-19
- 181 out of 215 schools had COVID-19 cases
- 17,508 students were recommended or required to quarantine
- 2,040 staff were recommended or required to quarantine

The Division requested data around in-school transmission of COVID-19 from Alberta Health. Alberta Health has assured the Division that they are monitoring cases closely and will continue to make recommendations or provide orders to effectively control transmission in school settings.



The Government of Alberta indicated that the January 11, 2021, return to in-person learning was based on evidence showing that before the winter break, new case rates in schools plateaued and then dropped in December, once restrictions on social gatherings and group activities were in place.

In a January 8, 2021 [letter to parents](#), Education Minister Adriana LaGrange stated that, in total, 0.4 per cent of students and staff tested positive from the beginning of the school year until the winter break. An analysis of all cases in school-aged children concluded that six per cent of these cases across Alberta were determined to have been acquired at school.

On January 14, 2021, the Government of Alberta and the Chief Medical Officer of Health [advised that the provincial language describing COVID-19 case numbers in schools was being changed](#). The primary impact of this announcement was the removal of the *Watch* category for schools. As of January 18, schools with:

- One to four cases of COVID-19 are considered an *Alert*
- Five or more cases of COVID-19 are considered an *Outbreak*

Following approval from Alberta Education, M.E. LaZerte and J. Percy Page Schools transitioned to online learning on January 25, 2021, after a number of COVID-19 cases were identified in the schools from January 14-24, 2021. The move impacted approximately 2,000 students who had been learning in-person. The schools implemented a similar model of online learning that they used in December and early January when the provincial government directed a shift to online learning for Grades 7-12. Students returned to in-person learning on February 8, 2021.

CR:ab

**DATE:** February 9, 2021

**TO:** Board of Trustees

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

**SUBJECT:** School Council Annual Report Highlights Summary

**ORIGINATOR:** Karen Mills, Director, Board and Superintendent Relations

**RESOURCE STAFF:** Cathy MacDonald, Carrie Rosa

**REFERENCE:** Section 14, [School Councils Regulation](#), Alberta Education  
[AA.BP Stakeholder Relations](#)

---

**ISSUE**

Providing a summary of highlights from 2019-2020 school annual reports submitted to Communications.

**BACKGROUND**

Alberta Education, through the *Education Act* and more specifically Section 14 of the [School Councils Regulation](#), requires all school council chairs to provide an annual report to their Board by September 30 of each year. For the 2019-2020 annual report, the Board requested a Google form be created to simplify the reporting process for school councils and make the data more comparable.

**CURRENT SITUATION**

Previously, annual reports were provided to Communications through a completed PDF cover sheet and attached report in various formats. With the new Google form, we can more easily review and share content of the annual reports.

**KEY POINTS**

- 138 school councils filled in the new Google form
- School councils provide key feedback and advice to principals on a number of topics throughout the school year

**ATTACHMENTS and APPENDICES**

ATTACHMENT I School Council Annual Report Highlights Summary

CR:cm

## ATTACHMENT I

**School Council Annual Report Highlights Summary****Summary of findings**

The findings in the 2019-2020 school council annual report reflect the activities of 138 schools who responded. Please note some schools are unable to establish a school council; instead, principals establish an advisory committee and do not necessarily have an annual report like full school councils.

Alberta Education, through the *Education Act* and Section 14 of the [\*School Councils Regulation\*](#), requires all Division school council chairs to provide an annual report to Edmonton Public Schools by September 30 of each year. For the 2019-2020 annual report, the Division created a Google form to collect simplify the annual reporting process for school councils.

Previously, school councils provided the annual report information to Communications as a completed PDF cover sheet template and an attached report in a format of their choice. The previous system was daunting for school councils who do not write many reports and made it challenging to provide timely summary reports. With the new Google form, Communications can more easily review, run reports and share content of the annual reports with the Board of Trustees and administration.

As per Section 55 of the [\*Education Act\*](#), school councils may advise the principal and Board on school matters, consult with the principal to ensure students have opportunities to meet education standards set by the Minister, consult with the principal on fiscal matters and perform other functions authorised under the regulations.

The findings collected through the 2019-2020 annual report form strongly indicate that school councils are living up to their mandate to act as an advisory group with the principal and school community. Information collected also indicates that councils support schools through additional activities.

**Predominant activities undertaken**

School councils are composed mainly of parents of students who attend the school. This group of parents functions primarily to provide feedback and advice to the principal on a variety of school functions and decisions. They provide a strong communication link between school administration and school families. Some school councils also play an important part in liaising between school administration and the fundraising association to inform the potential use of any funds raised.

In order of highest to lowest participation rates, here are the main areas school councils noted they were involved with during the 2019-2020 school year.

- **84 per cent** supported teaching and learning within the school (e.g., purchasing levelled literacy books, library resources.)
- **83 per cent** supported special events in support of the school plan (e.g., promoting, volunteering for events such as family literacy night)
- **75 per cent** informed/advised principal on the school's budget (e.g., input into priorities)
- **65 per cent** informed/advised principal on the school's education plan (e.g., priorities)
- **57 per cent** informed/provided input to principal on the school's results review
- **45 per cent** advocated for the needs of the school community to the city, province and other groups (e.g., writing letters to elected officials about provincial decisions)

- **40 per cent** provided input to help inform the work of the Board of Trustees (e.g., participating in town halls and meetings with ward Trustee)
- **24 per cent** worked on joint projects with the community or another school in support of the school plan (e.g., safe environment)
- **20 per cent** informed the work of the Alberta School Councils' Association through an engagement task force or annual general meeting

### Additional activities

Some school councils noted they also supported schools in the following ways:

- Promoted volunteerism and recruited volunteers
- Helped with landscape improvements
- Helped survey parents (e.g., feedback and implementation of hot lunch options, survey about reduced budget for coming year)
- Organized appreciation events, family fun nights
- Helped with extracurriculars like gardening and running clubs
- Networked with community leagues
- Organized town hall meetings
- Promoted and supported diversity (e.g., international maps showing where various students come from)
- Helped fundraising committees (e.g., volunteering at events)
- Increased online communication and engagement with parents
- Updated school council bylaws
- Helped facilitate communication between community and school during the transition to online learning due to COVID-19
  - Some councils also helped transition their meetings to an online format

### Funds handled

- Four school councils indicated their school council handled some funds last year
- The funds were typically raised through initiatives like gift card sales, baked goods and food sales, and fun days
- Funds raised went towards a variety of things like field trips, arts and crafts supplies, farewell celebrations, family activities (like dances and movies) and hot lunch days

### Challenges some school councils faced

- Due to the COVID-19 pandemic, some school councils expressed they didn't meet all the objectives they had set out for the school year
- Hosting meetings was a challenge for some schools when schools switched to online learning last March
  - Anecdotally, school councils have made significant progress in moving council meetings to virtual platforms in the 2020-2021 school year.

### Evaluation of new format

Communications will do a follow-up survey to evaluate participants' experience submitting their reports through the Google form this year. Through this evaluation, we will determine if there were any gaps in information and improve the form for the next collection of annual reports.

**DATE:** February 9, 2021

**TO:** Board of Trustees

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

**SUBJECT:** Strategic Plan Update: Early Years

**ORIGINATOR:** Nancy Petersen, Managing Director, Strategic Division Supports

**RESOURCE**

**STAFF:** Clarice Anderson, Todd Burnstad, Husna Foda, Rachel Foley, Amanda Lau, Monica Lukas, Bob Morter, Ann Parker, Natalie Prytuluk, Soleil Surette

---

**ISSUE**

This Strategic Plan Update Report provides the Board of Trustees with an overview of the Division's efforts in support of our youngest learners through a more detailed look at the Early Years Evaluation - Teacher Assessment (EYE-TA) data and provides a historical summary of the development of the Division's Pre-Kindergarten program, including the impact of changes to provincial Program Unit Funding (PUF).

**BACKGROUND**

In 2018, Edmonton Public Schools formally reaffirmed the District Strategic Plan for the 2018-2022 term. The District Strategic Plan has three priority areas with supporting goals and outcomes. The plan provides common direction and alignment between the work of the Board of Trustees, the Superintendent of Schools and Division staff. The plan serves as the foundation for a Division culture of evidence-based decision making, assurance and accountability.

To demonstrate the Division's commitment to transparency and accountability, Strategic Plan Update reports were introduced in 2016–2017 as an extension of the Annual Education Results Report (AERR). The reports are intended to provide the Board of Trustees with detailed progress towards the goals and outcomes of our Strategic Plan.

**CURRENT SITUATION**

This Strategic Plan Update report highlights the importance of Division Early Years programming that can positively impact the number of children entering Grade 1 having reached emotional, social, intellectual and physical developmental milestones. It is in direct response to Priority 1 of the 2018-2022 District Strategic Plan for the Division to foster growth and success for every student by supporting their journey from early learning through high school completion and beyond.

**KEY POINTS**

This Strategic Plan Update report provides the Board of Trustees with an overview of work in support of Early Years programming.

**ATTACHMENTS and APPENDICES**

ATTACHMENT I Strategic Plan Update: Early Years

NP:mh

# Strategic Plan Update:

## Early Years

February 9, 2021

[epsb.ca](http://epsb.ca)

## INTRODUCTION

---

Edmonton Public Schools (EPSB) provides Early Years programming through Pre-Kindergarten, full-day Kindergarten and Kindergarten. These programs help support more children to reach emotional, social, intellectual and physical developmental milestones before they enter Grade 1 through high quality purposeful play-based learning and the opportunity for access to specialized supports and services where need has been identified.

This Strategic Plan Update Report provides the Board of Trustees with an overview of the Division's efforts in support of our youngest learners through a more detailed look at the Early Years Evaluation - Teacher Assessment (EYE-TA) data. Using the EYE-TA data as an indicator of growth, this report takes a closer look at the progress children make during their year of Kindergarten towards readiness for Grade 1. This closer look at the EYE-TA data provides a multi-year perspective and includes results for the following specific cohorts of Division Kindergarten learners:

- Self-identified First Nations, Métis and Inuit children (FNMI)
- English Language Learner (ELL) children
- Children with special education codes 30 and 41-47 (see Appendix I for a descriptor of these codes)
- Children who attended an EPSB full-day Kindergarten programming versus those who attended a traditional half-day program (Alberta Education provides funds to support half-day Kindergarten programming)
- Children who attended an EPSB Pre-Kindergarten (Pre-K) program

The report also provides a historical summary of the Division's work to explore and expand early years programming prior to Kindergarten. This work was supported through a pilot that began in the 2014-2015 school year and saw an evolution of Pre-Kindergarten programming that expanded to meet the needs of a broader group of children across 32 Division schools. Changes in provincial Program Unit Funding (PUF) effective for the 2020-2021 school year resulted in a significant change in the Division's model of Pre-Kindergarten programming and which children we are able to serve. As a result of these changes, this September the Division's Pre-Kindergarten programming has been adjusted to six school sites.

The information shared in this report supports efforts taken in support of Priority 1, Goal One: An Excellent Start to Learning and highlights the importance of Division programming that can positively impact the number of children entering Grade 1 having reached emotional, social, intellectual and physical developmental milestones.

## EARLY YEARS EVALUATION-TEACHER ASSESSMENT (EYE-TA)

---

To help monitor the growth and development of children prior to Grade 1 the Division uses the EYE-TA screening tool. Using this tool, Division Kindergarten teachers assess children's developmental readiness at the beginning of the school year and again in the spring. Kindergarten teachers gather information through observation and play-based activities to assess each child's developmental readiness across the five developmental domains of the EYE-TA:

1. Awareness of Self and Environment: a child's understanding of the world and their ability to make connections with home and community experiences.
2. Social Skills and Approaches to Learning: a child's attentiveness during classroom activities and their ability to interact with peers while respecting classroom rules.
3. Cognitive Skills: a child's basic mathematics and pre-reading skills and their ability to solve problems.
4. Language and Communication: a child's understanding of spoken language and their ability to express thoughts and feelings.
5. Physical Development:
  - Fine Motor: a child's ability to perform small movements that require hand-eye coordination.
  - Gross Motor: a child's ability to perform large movements that involve arms, legs and body.

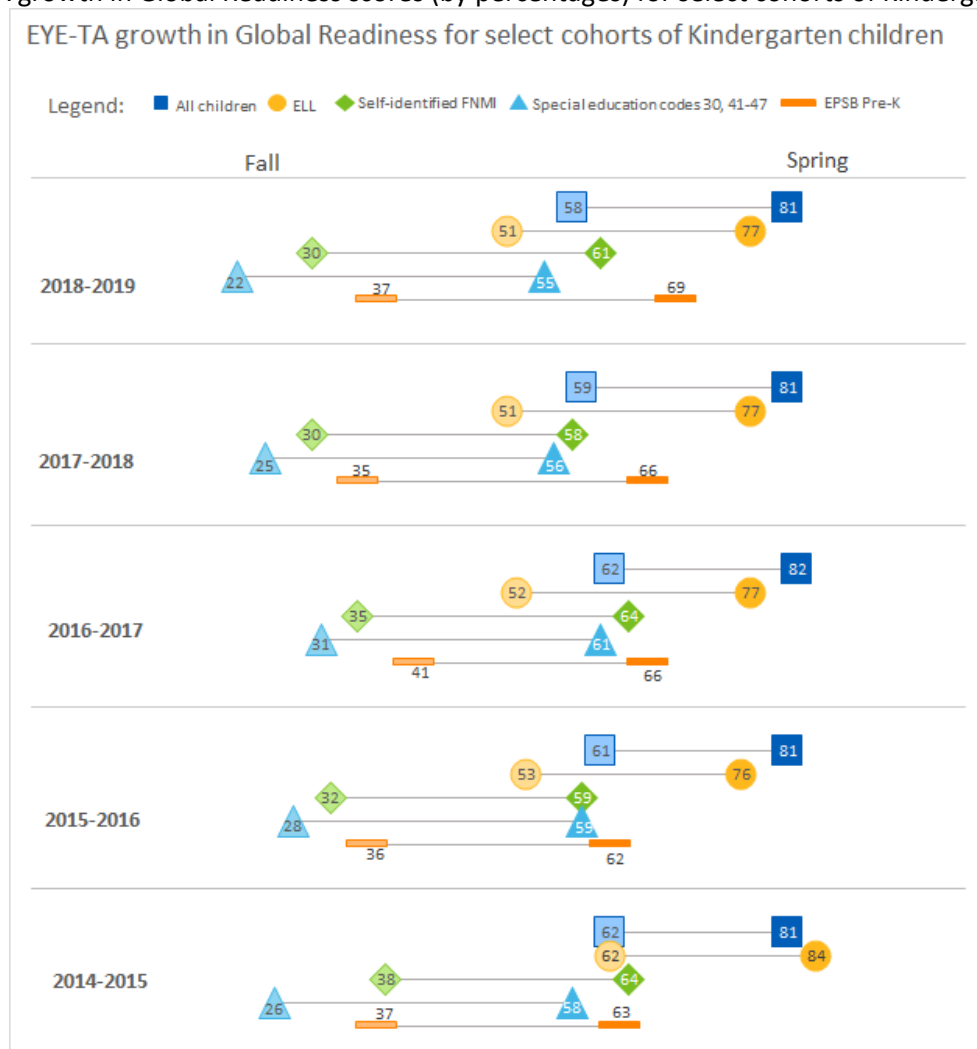
Individual results for each child across the five domains are combined to create an overall readiness score known as the Response to Intervention or RTI; RTI measures a child's overall or global readiness for Grade 1. Teachers and schools use the information from the fall to inform programming and interventions to support children in developing towards meeting these milestones of readiness for Grade 1. Annual EYE-TA results can also be rolled up to capture growth at the Division level. The graph below provides a multi-year, comparative look at EYE-TA fall and spring results and overall readiness for Grade 1 for the following cohorts of children:

- All Division Kindergarten children (blue square).
- Kindergarten children identified as English Language Learners (ELL) (yellow circle).
- Kindergarten children self-identified as First Nations, Métis and Inuit (FNMI) (green diamond).
- Kindergarten children with special education codes 30 or 41-47 (light blue triangle).
- Kindergarten children who attended an EPSB Pre-Kindergarten program prior to Kindergarten (orange rectangle).

It should be noted that some children may be represented by the data in more than one cohort.

- The ELL cohort represents both ELL children and ELL children also coded as mild/moderate or severe special needs.
- The self-identified First Nations, Métis and Inuit cohort represents both children who self-identify as well as children who self-identify and are also coded as mild/moderate or severe special needs.
- The cohort of special education children coded 30, 41-47 also includes ELL and self-identified First Nations, Métis and Inuit children.

Graph 1. EYE-TA growth in Global Readiness scores (by percentages) for select cohorts of Kindergarten children.





When taking a multi-year look at the Division's EYE-TA results there are consistent patterns to be noted:

- Approximately 60 per cent of all children arrive in Kindergarten in the fall already meeting developmental milestones for Grade 1.
- By the spring, approximately 81-82 per cent of all children are consistently meeting all the developmental milestones.
- The Division's cohort of ELL children typically begin Kindergarten slightly below the benchmark of all Division Kindergarten children in their overall readiness but make positive gains in Kindergarten and by spring have almost caught up to the developmental readiness of all children. (It should be noted that the 2014-2015 cohort of ELL children was coded differently by the Division than the other years and does not accurately reflect students identified as both ELL and mild/moderate or severe special needs.)
- Self-identified First Nations, Métis and Inuit children experience significant growth between the fall and spring of Kindergarten.
  - However, this group of children consistently enter the Division at a significantly lower place of development and readiness than their peers.
  - It is important to recognize that despite making significant gains, there remains a gap in their readiness for Grade 1, reinforcing the importance of early engagement as identified in the OECD's Promising Practices in Supporting Success for Indigenous Students.
- As a cohort, children assigned special education codes 30 or 41-47 enter Kindergarten developmentally behind their peers. This is expected based on their meeting criteria for special education coding. Data from the EYE-TA demonstrates the benefit of Kindergarten programming for this cohort of children as they consistently experienced positive growth towards Grade 1 readiness.
- Children who attended an EPSB Pre-Kindergarten (Pre-K) program also experience growth in global readiness in Kindergarten.
  - The multi-year data suggests there may be a correlation between growth on the EYE-TA and the gradual expansion of Division Pre-Kindergarten programming, with a difference in growth of 26 points in 2014-2015 and 2015-2016 compared to 31 and 32 points in 2017-2018 and 2018-2019.

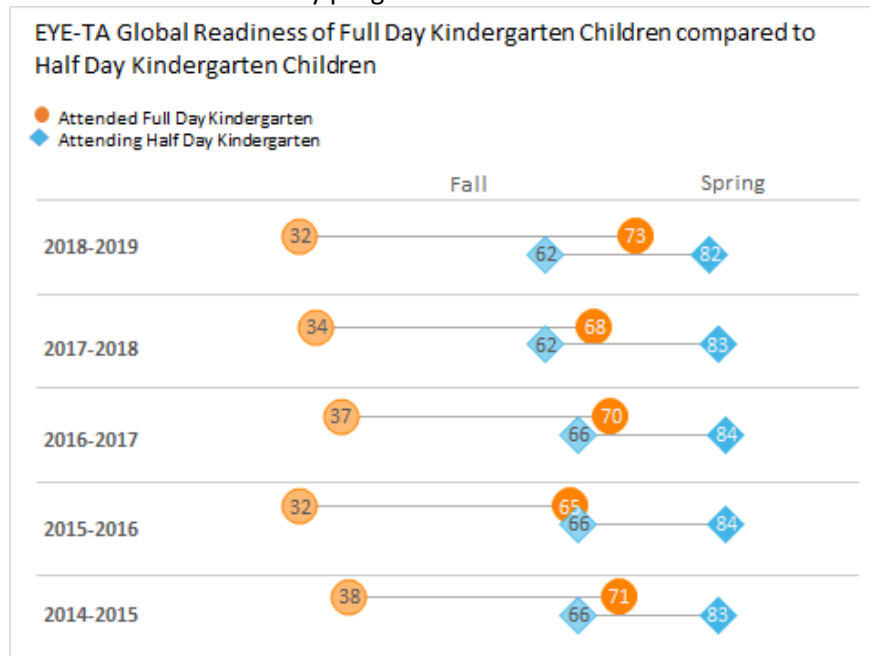
EYE-TA data also demonstrates the positive impact that full-day Kindergarten can have towards readiness for Grade 1. Full-day Kindergarten is currently offered at 26 Division schools serving children facing the challenges and barriers associated with social complexity. In respect to funding for full-day Kindergarten, the Division receives the same amount of base instruction funding from the province for children attending a full-day Kindergarten program as children attending a half-day program. Additionally, funding for Kindergarten is determined using the weighted moving average (WMA); the WMA factors all Kindergarten children as a 0.5 FTE, regardless of the program they are enrolled in. The Division funds the differential to support full-day Kindergarten through the following:

- The Edmonton Public Schools Foundation raises funds to support full-day Kindergarten at six Division schools.
- The Division supports the remaining 20 full-day Kindergarten schools through funding received from the province to support Grades 1 to 12 operations.

The following chart helps illustrate the importance and impact of full-day Kindergarten, as children attending these programs experienced significant growth on the EYE-TA from fall to spring in their readiness for Grade 1.

- Though there is a significant reduction in the gap in readiness from fall to spring, it is important to note that this cohort of children still enters Grade 1 behind in their readiness compared to their peers from less socially complex circumstances.

Graph 2. Comparing fall and spring EYE-TA Global Readiness of children who attended a full-day Kindergarten program versus those who attended a half-day program.



## PRE-KINDERGARTEN PROGRAM EXPANSION

In the 2014-2015 school year, the Division embarked upon a multi-year pilot to explore expanding the Division's service to children prior to Kindergarten. To help inform this work, the Division looked at the provincial Early Development Instrument (EDI) data.

The EDI is a population level measure that provides data on childhood development at a community level. The Alberta EDI Program was a partnership between the Ministries of Children's Services, Community and Social Services, Health and Education that existed from 2016 to 2020 and built upon the work of the previous [Early Childhood Development Mapping Initiative](#). EDI data was last collected in 2016 and shared in 2018; these reports can be found on the [ecdcoalitions.org](http://ecdcoalitions.org) website. EDI data has been an integral part of the planning process for Pre-Kindergarten programming within the Division. A description of the 2016 Edmonton EDI data and its relevance for the Division can be found in the [Early Years Strategic Plan Update Report](#) provided to the Board of Trustees at the April 10, 2018, Board meeting.

The EDI measures children's ability to meet age-appropriate developmental expectations in five general areas or domains:

- Physical health and well-being
- Social competence
- Emotional maturity
- Language and cognitive skills
- Communication skills and general knowledge

Data from the EDI was one source of information used by the Division to help inform expansion of Pre-Kindergarten programming beginning with a pilot in 2014-2015. Additionally, the Division took into consideration the following to help inform the expansion of Pre-Kindergarten programming:

- Edmonton population demographics and school enrolment data
- School facility conditions and space utilization
- Consideration to existing early years program locations

- Other Pre-Kindergarten programming options and services available to families throughout the Edmonton area

The expansion of Division Pre-Kindergarten programming was intended to create financially sustainable programming closer to where families lived and increase the number of spaces available for children to access programming prior to Kindergarten.

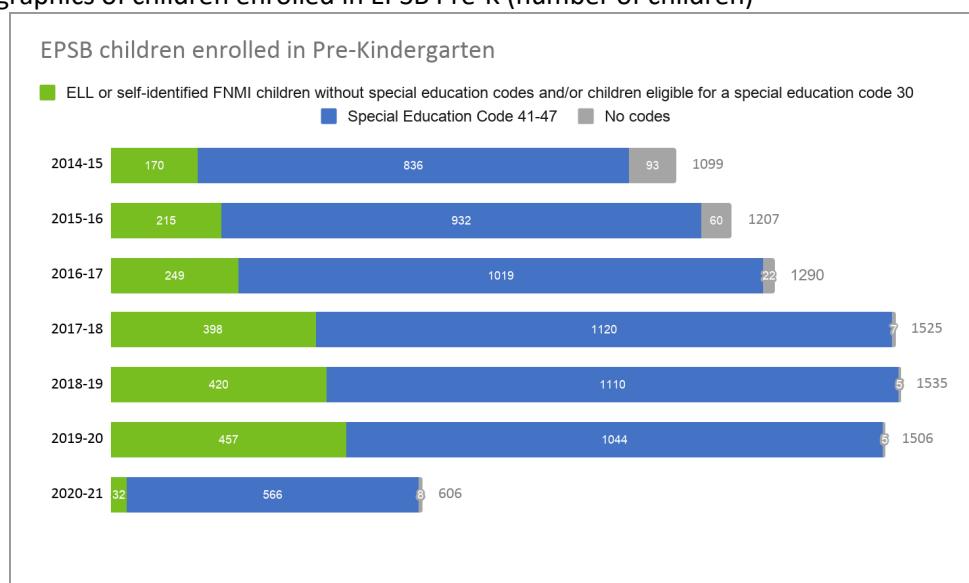
The first year of the three year pilot, 2014-2015, was focused in the Mill Woods community. The pilot focused on an approach to Pre-Kindergarten programming that provided intervention using multidisciplinary supports including speech and language, physical or occupational therapy and school family liaison services to help children work on skills such as communication, mobility and sensory exploration. A three-year expansion plan was approved in winter 2016 and by 2018-2019 there were 32 Pre-Kindergarten sites across the Division.

In early 2020, the Division's work in support of Pre-Kindergarten took on an unanticipated focus with the indication there would be significant changes in the provincial PUF model. The work to prepare for these changes became a priority focus for the Division and included engaging with Pre-Kindergarten stakeholders to explore a new model of programming for the fall of 2020-2021 that would be feasible within constraints of the new provincial funding formula.

As a result of this work, this September Pre-Kindergarten programming was offered in six Division schools, with the capacity to serve a maximum of 600 children who meet the new provincial eligibility for PUF programming. Under the new PUF funding framework the Division is able to serve children who qualify as severe special needs under codes 41-47. The Division is no longer able to serve children who are identified as: ELL, self-identified First Nations, Métis or Inuit or eligible for mild/moderate code 30 special needs funding. A comprehensive overview of PUF funding changes and the impact to the Division's Pre-Kindergarten program was provided to the Board of Trustees in a [report April 28, 2020](#).

The following graph illustrates a demographic breakdown of children served by the Division's Pre-Kindergarten program throughout the years.

Graph 3. Demographics of children enrolled in EPSB Pre-K (number of children)<sup>1,2</sup>



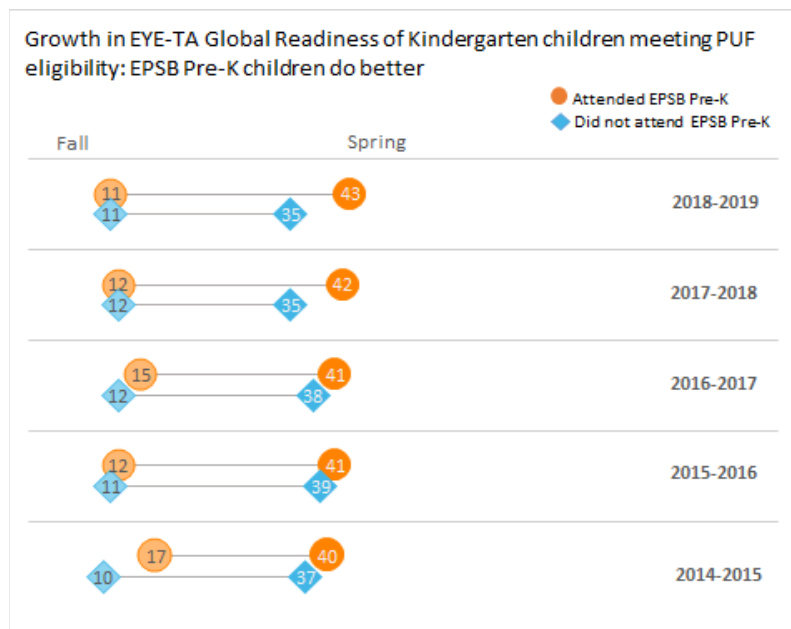
<sup>1</sup> All totals, except for the 2020-2021, reflect the final June count

<sup>2</sup> For 2020-2021, the 32 children represented by the green bar have been grandfathered from the 2019-2020 Pre-Kindergarten cohort; under current provincial PUF funding this group of children would not be served in coming years.

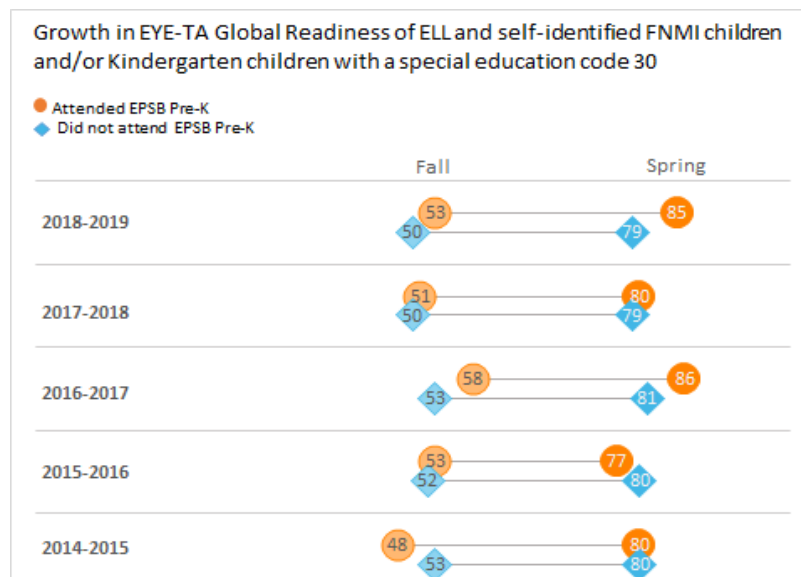
The following two diagrams demonstrate the positive impact the Division's Pre-Kindergarten program had for children between the years of 2014-2015 and 2018-2019. The two diagrams show a comparison between Kindergarten children who participated in a Division Pre-Kindergarten program and those who joined the Division for the start of Kindergarten. The data is broken out into two diagrams profiling:

- Children meeting PUF eligibility as severe, including codes 41-47.
- Children who identify as ELL, self-identify as First Nations, Métis and Inuit and/or meet eligibility for mild/moderate special education code 30.

Graph 4. Comparing fall and spring Global Readiness EYE-TA scores for Kindergarten children meeting PUF eligibility (special education codes 41-47) who attended or did not attend an EPSB Pre-K program.



Graph 5. Comparing fall and spring Global Readiness EYE-TA scores of ELL or self-identified FNMI children without special education codes and/or children eligible for a special education code 30 who attended or did not attend an EPSB Pre-K program.



In looking at these results for both cohorts of children, there is a predictable pattern demonstrating that children who participated in a Division Pre-Kindergarten program achieved a stronger overall level of readiness for Grade 1 on the spring EYE-TA assessment of their Kindergarten year than their peers who did not participate in a Division Pre-Kindergarten program. There is the acknowledgement that some of the children joining the Division for Kindergarten may have attended a Pre-Kindergarten program elsewhere.

Based on this closer look at our EYE-TA data, there is evidence to indicate that the Division's efforts in support of Pre-Kindergarten programming from 2014-2015 to 2018-2019 had a positive impact towards improving children's readiness for Grade 1.

The EYE-TA data supports the importance of early intervention and demonstrates the impact the Division can have when programming for children prior to Grade 1. In the broader societal context, the positive impact of early years programming has been researched and examined significantly. The Division has pulled together a sampling of this work to further demonstrate the importance of programming for children in preparation for Grade 1 and ultimately their success and well-being in school and life: [Impacts of Early Childhood Education Environmental Scan](#).

## ADDITIONAL INFORMATION AND NEXT STEPS

---

### Enoch Cree Nation and Edmonton Public Schools Project

*The Exploring Early Learning & Family Engagement: A Professional Learning Partnership Between Enoch Cree Nation and Edmonton Public Schools* is a three-year project focused on building collective capacity related to high quality, culturally responsive Pre-Kindergarten programming. The following is an update about year two of the project (2019-2020) as well as plans for year three (2020-2021), which is the final year of the project.

The intention of year two was to deepen participants' shared understanding of key concepts introduced in year one through the continued exploration of traditional Cree child-rearing practices and play-based learning. Prior to March, participants engaged in a two-day professional learning session and intervisitation, where educators from both jurisdictions had the opportunity to observe each other's classes and model practices inspired by traditional teaching. Both activities garnered positive feedback, as well as strengthening the mutual respect and trust between the jurisdictions. As a result of the shift to at-home learning in March, however, additional plans made for year two were put on hold so that each jurisdiction could support the needs of their respective teaching staff during the transition to at-home learning.

Despite temporarily being put on hold, key staff from both jurisdictions met regularly to review the scope and sequence for the year three partnership as well as plan future professional learning opportunities. Year three will continue to strengthen the collaboration between EPSB and Enoch Cree Nation, with a focus on the indigenous ways of knowing and family engagement. Activities for the 2020-2021 school year include four professional learning sessions scheduled for November, January, March and April.

- The November session focused on storytelling with children and was provided by Dr. Lana Whiskeyjack and Richard VanCamp.
- The January session focused on teachings on the medicine wheel and was provided by Elder Rick Makokis.

The goal of year three is the collaborative development of culturally responsive resources to support the growth and success of children in the early years.

### Children's Autism Society of Edmonton Initiative (CASE)

Beginning in the fall of 2020, CASE has partnered with the Division to support their work with children with developmental disabilities who are Kindergarten age. Through this initiative, CASE operates a modified

Kindergarten program in classroom space at both Waverly and Princeton schools. The 13 children enrolled in the CASE Kindergarten program attend an extended half-day program Monday through Friday. CASE receives the provincial funding allocation for each child and provides a certificated teacher and three educational assistants as well as a multidisciplinary team consisting of a speech and language pathologist, occupational therapist and a behaviour consultant. The Division's role in the initiative is the provision of space in the two community schools, which is provided to CASE at no cost. Other anticipated benefits to this developing partnership are:

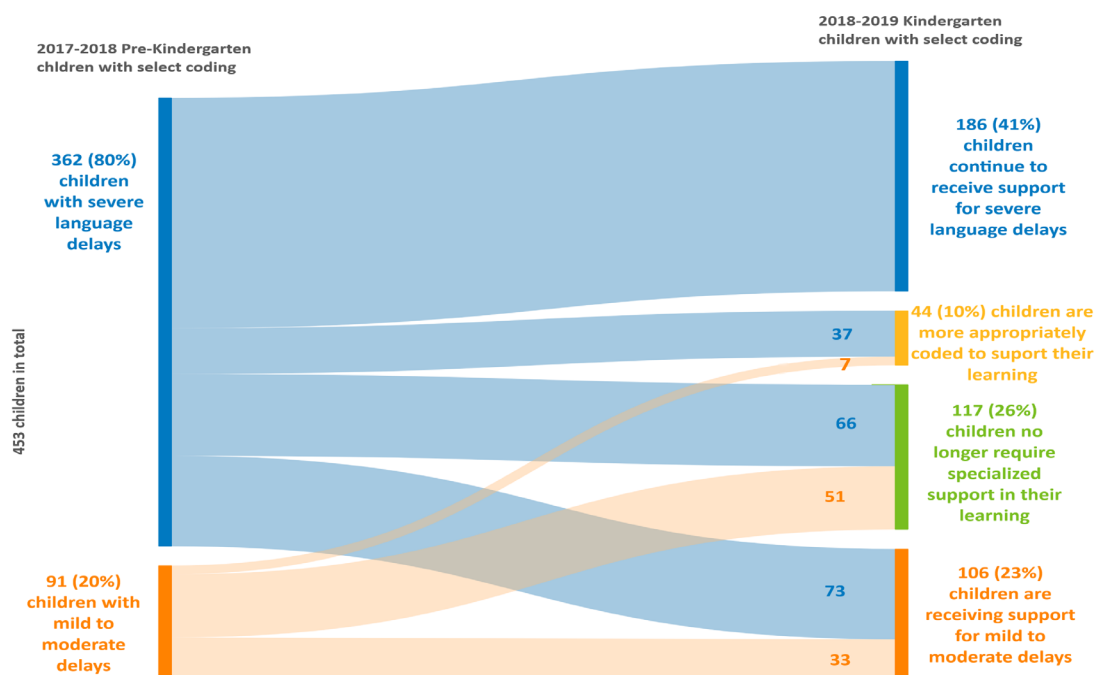
- The opportunity for staff from both organizations to collaborate and participate in professional learning opportunities.
- The opportunity for staff from both organizations to be intentional in working together to support families transition from Kindergarten to Grade 1.
- Families of the children attending the program are able to have their children be part of a Kindergarten program providing a small class size and specialized supports within a traditional elementary school community.
- The opportunity to explore other ways of working together in support of children with Autism and their families.

Feedback to date from parents and Division staff has been positive.

## Impact of Pre-Kindergarten Programming For Children With Severe Language or Mild/Moderate Delays

A review of children in Pre-Kindergarten for the 2017-2018 school year who transitioned into Kindergarten for 2018-2019 demonstrates the positive impact of a quality early years programming. The following chart shows a summary of 453 Pre-Kindergarten children with either a severe language delay coding or a mild to moderate coding and the positive impact of their Pre-Kindergarten learning experience. The chart illustrates children's growth relative to changes in their coding. Of the 453 children, 117 no longer required a special education code; 73 children went from severe to mild/moderate and 44 received further assessment and were more appropriately coded to reflect their learning needs.

**Fig. 1. Benefits of participating in Pre-Kindergarten for children with severe language or mild to moderate delays**



The graph demonstrates that a significant number of children in Pre-Kindergarten who were eligible for funding (mild, moderate or severe) made significant gains and no longer qualify for special needs funding heading into Kindergarten. In terms of what this means for the Division, the following contextualizes the implications of this growth for one cohort of Pre-Kindergarten children:

- If the 117 children identified in the chart as no longer requiring a special education code are able to continue through to the completion of Grade 3 without special education coding, the Division will be able to redirect over \$2 million dollars to other students requiring specialized supports. This financial projection has been calculated using the funding criteria of the current budget allocation model.

## Next Steps

To support effective early years programming for as many children as possible, the Division will examine this year's Pre-Kindergarten program to inform programming going forward and will continue to explore how best to work with community partners in the area of the early years and families of young children.

Principals from the six Pre-Kindergartens have had an initial conversation to reflect on strengths of this year's program and opportunities for next year. They will continue to dialogue as they plan for the 2021-2022 school year.

## APPENDIX I

Code 30 – Child with Mild/Moderate Disability (age of entry 3 years and 8 months on September 1<sup>st</sup> for a maximum of 2 years)

Code 41 – Child with Severe Intellectual Disability

Code 42 – Child with Severe Emotional/Behavioural Disability

Code 43 – Child with Severe Multiple Disabilities

Code 44 – Child with Severe Physical/Medical Disability

Code 44 – Division Code 24 – Child with Severe Physical/Medical Disability (Autism Spectrum Disorder)

Code 45 – Child who is Deaf

Code 46 – Child who is Blind

Code 47 – Child with Severe Delay Involving Language (Code 47 applies to PKP and Kindergarten; Code 57 applies to Grades 1-12)

\*EPSB reference to code 47(+) identifies a child with Severe Delay Involving Language pending a physical/medical or emotional/behavioural diagnosis and requiring extensive specialized supports

\*Kindergarten children identified with special needs fall under the ECS Special Needs Coding Criteria (20, 41-47); however, they are supported through SLS Grant and not PUF Grant



**DATE:** February 9, 2021

**TO:** Board of Trustees

**FROM:** Grace Cooke, General Counsel

**SUBJECT:** Special School Tax Levy Plebiscite Process  
(Response to Request for Information #90)

**ORIGINATOR:** Karen Mills, Director Board and Superintendent Relations

**REFERENCE:** December 8, 2020 Caucus Committee meeting (Trustee Janz)  
[\(Education Act, Local Authorities Election Act, Petitions and Public Notices Regulation, Special School Tax Levy Plebiscite Regulation\)](#)

---

**ISSUE**

Trustee Janz asked for the following information at the December 8, 2020, Caucus meeting, with the request that the answer be provided at a public Board meeting:

*Municipal Plebiscite:*

*Could the Administration provide a report outlining the opportunity and mechanism in accordance with section 172 of the Education Act (Special School Tax Levy) (Page 122).*

- 1) If this tool were passed during the 2021 municipal election, how much funding could be raised and how much would that cost be per month per household?*
- 2) Could a lesser amount be raised, such as a specific dollar amount?*

**BACKGROUND**Alberta Government Information Package

In December 2020, the Government of Alberta released its [Special School Tax Levy Information Package](#) which included a succinct overview of the process for school boards considering a special school tax levy:

1. The public or separate school board develops a business case to show why the levy is needed, how much will be needed and how long it will be imposed for.
2. The school board contacts Municipal Affairs for contact information for the municipalities that might be affected by the levy and to figure out the potential impact it could have on each municipality.
3. The school board contacts the potentially affected municipalities in its geographical boundaries with the levy amount that could be applied. This lets each municipality calculate its local Special School Tax Levy rates to support the business case.
4. The school board must give at least 60 days' notice to the eligible electors in its division before considering the resolution for a plebiscite. The notice states the board's intention to

meet and consider the resolution. To meet the 60-day deadline, the notice would have to be scheduled before mid-June. When calculating all dates specific to giving notice to eligible electors, the dates must be based on the actual date the general election is going to be held.

5. At least 60 days before the general election, the board must pass a resolution to hold a plebiscite at a general public meeting of the board. It must also notify the Minister and respective returning officer(s). To meet this deadline, the meeting would have to be scheduled in mid-August.
6. During the 30 days immediately before the general election, the school board is required to provide the information in the Special School Tax Levy Plebiscite Public Notice Form by public notice and notify the Minister and respective returning officer(s). The notice includes:
  - a yearly estimate of the amount that would be raised by the Special School Tax Levy;
  - the number of years the levy would apply for; and
  - the purpose of the levy.

To meet the deadline, the notice would have to be made in mid-September.

7. The plebiscite is held on the same day as the general election unless it's withdrawn before then. When a vote on the plebiscite goes forward, the returning officer(s) forwards a signed statement showing the number of votes for and against the plebiscite to the secretary and the Deputy Ministers of Alberta Education and Municipal Affairs.
8. If more than 50 per cent of the electors vote "yes" on the Special School Tax Levy, the levy will be imposed on the declared property (or undeclared in the case of individually owned property) located inside the school board's geographical boundaries.

In terms of initial steps by the Board to commence this process, a trustee would first need to serve notice of motion to give notice that at an identified Board meeting, the Board will consider a resolution to hold a plebiscite related to a special school tax levy in conjunction with the October 18, 2021 general election.

With respect to how much funding could be raised, section 174(1) of the *Education Act* authorizes **up to** 3% of the budget of the board for the year in which the resolution is passed. Consequently, as the Division's operating budget for the year is \$1,195,961,600, 3% of the operating budget amounts to \$35,878,848. The legislation allows for a lesser amount to be raised. Section 174(2) provides that a special school tax levy may be approved for not more than a 4-year period ending on December 31 of the year of the next general election after the plebiscite. The affected municipality (i.e., City of Edmonton) would calculate and apply the local special school tax levy rate (ss. 160(1)(b) and 175(1) *Education Act*).

If a resolution authorizing a plebiscite is passed, in order to later withdraw the authority to hold the plebiscite, a resolution to that effect may be passed up to the date on which the plebiscite is to be held (s.172(5) *Education Act*).

If a special school tax levy is supported by the Division's electors, only the properties that are assessable for public school purposes would be subject to the levy (s.175(3) *Education Act*).

## Legislation

Section 172 of the *Education Act*, S.A. 2012, c.E-0.3 and the Special School Tax Levy Plebiscite Regulation, AR 78/2019 set out the authority and process to add a question on the ballot of the next general election to impose a special school tax levy.

## *Education Act*

### **Plebiscite**

**172(1)** Subject to this section, a board may authorize the holding of a plebiscite to obtain the approval of the electors of the school division to impose a special school tax levy under this Division.

**(2)** A board that intends to hold a plebiscite referred to in subsection (1)

- (a) shall not less than 60 days before the board intends to consider the resolution authorizing the holding of a plebiscite referred to in subsection (1), give public notice, in accordance with the regulations, of its intention, and
- (b) must at least 60 days before election day in a year in which a general election will be held under the *Local Authorities Election Act*, pass the resolution at a public meeting of the board.

**(3)** The resolution referred to in subsection (2) must include a statement respecting the purpose of the special school tax levy.

**(4)** The question that the plebiscite is to determine must be

- (a) in accordance with the regulations, and
- (b) included in the resolution referred to in subsection (2).

**(5)** A board, by resolution, may withdraw the authorization for the plebiscite under subsection (2) up to the date on which the plebiscite is to be held.

...

### **Conduct of plebiscite**

**173(1)** A plebiscite under this Division must be conducted in conjunction with the next general election under the *Local Authorities Election Act* after the resolution is passed under section 172.

**(2)** The *Local Authorities Election Act* and the regulations under it apply to the plebiscite except as otherwise provided by this Act or the regulations under this Act.

(3) The persons eligible to vote in a plebiscite are the persons eligible to vote at the general election for members of the board that passed the resolution.

(4) The results of a plebiscite must be reported in accordance with the *Local Authorities Election Act*.

**Special school tax levy**

**174(1)** No special school tax levy may be authorized by plebiscite if the amount to be raised by the special school tax levy in each year is more than 3% of the budget of the board for the year in which the resolution is passed.

(2) A special school tax levy may be approved by a plebiscite for a period of not more than the 4-year period ending on December 31 of the year of the next general election under the *Local Authorities Election Act* after the plebiscite.

(3) Money raised by a board by a special school tax levy must be used for the purpose referred to in the resolution.

**Assessment and requisition**

**175(1)** If a majority of the ballots cast at a plebiscite under this Division vote in favour of a special school tax levy, the board may requisition municipalities in accordance with Division 3.

(2) Subject to subsections (3) and (4), Divisions 2 and 3 apply to a special school tax levy.

(3) Only the property of an individual that is assessable for public school purposes under section 146 or of a corporation or cooperative that has given notice under section 148 that all or a portion of its property is assessable for public school purposes is assessable for a special school tax levy by a board of a public school division.

(4) Only the property of an individual that is assessable for separate school purposes under a notice under section 147 or of a corporation or cooperative that has given notice under section 148 that all or a portion of its property is assessable for separate school purposes is assessable for a special school tax levy by a board of a separate school division.

Special School Tax Levy Plebiscite Regulation**Date of public notice**

- 1 If a board passes a resolution authorizing a plebiscite under section 172 of the Act, the board must give public notice in accordance with the Petitions and Public Notices Regulation of the board's resolution during the 30 days immediately before the date on which the plebiscite is to be held.

**Content of public notice**

- 2 The public notice under section 1 must state

- (a) the amount per year the board estimates would be raised by the special school tax levy,
- (b) the number of years for which the special school tax levy would apply, and
- (c) the purpose for which the funds raised by the special school tax levy would be used by the board.

**Ballot**

- 3** A ballot used in a plebiscite authorized under section 172 of the Act must be in the form set out in the Schedule to this Regulation.

**KEY POINTS**

- The Special School Tax Levy Information Package published by the Government of Alberta provides an overview of the process for school boards considering such a levy which includes specific requirements regarding public notice of a board's consideration of a motion to proceed with such a plebiscite.
- Up to 3% of the Division's current operating budget (\$35,878,848) may be raised each year in a special school tax levy for no more than a 4-year period.
- The levy rates are calculated by the affected municipality.
- Only those properties that are assessable for public school purposes would be subject to a special school tax levy that is authorized by a vote of the electors on the plebiscite.
- Once a resolution is passed authorizing a plebiscite, if a board does not wish to proceed with the plebiscite, it must pass a resolution withdrawing the authority to hold the plebiscite and such a resolution may be made up to the date the plebiscite is to be held.

**ATTACHMENTS and APPENDICES**

ATTACHMENT I Special School Tax Levy Information Package, December 2020

MGC/cv

**DATE:** February 9, 2021

**TO:** Board of Trustees

**FROM:** Grace Cooke, General Counsel

**SUBJECT:** Changes to the *Local Authorities Election Act* concerning Political Action Committees (Response to Request for Information #91)

**ORIGINATOR:** Karen Mills, Director Board and Superintendent Relations

**REFERENCE:** December 8, 2020, Board meeting (Trustee Janz)  
[Local Authorities Election Act](#)  
[Bill 29: Local Authorities Election Amendment Act](#)  
[Bill 45: Local Authorities Election Amendment Act, 2020 \(No.2\)](#)

---

**ISSUE**

Trustee Janz requested the following information at the December 8, 2020, public Board meeting:

*Free, fair, and transparent elections are the cornerstone of a healthy democracy and the Edmonton Public School Board has advocated for reforms that can ensure a healthy local democracy.*

- 1) *Please outline the changes made to Political Action Committees in Alberta (Fall 2020).*
- 2) *As a school division, what changes could a school board require to ensure greater transparency related to political action committees?*
- 3) *Could the federal government, Elections Canada or the CRTC enact overriding provisions requiring transparency in political advertising (especially over social media) that could require Political Action Committees to disclose their funders?*

**BACKGROUND**Legislation

The following bills amended the *Local Authorities Election Act* impacting political action committees in Alberta.

*Bill 29: Local Authorities Election Amendment Act, 2020* came into force on September 1, 2020.

*Bill 45: Local Authorities Election Amendment Act, 2020 (No.2)* came into force on January 1, 2021.

While these Bills made numerous changes to the *Local Authorities Election Act* ("LAEA"), we highlight the following changes regarding transparency and disclosure of third party contributions to candidates and election advertising.

With respect to advertising contributions, Bill 45 added the following provision to section 167 of the LAEA:

(2.1) No individual, corporation, trade union or employee organization shall make advertising contributions to any third party during an election advertising period that exceed, in the aggregate, \$30 000.

This Bill also amends section 193 of LAEA by adding the following provision:

(2) If the Election Commissioner is of the opinion that ...

(c.1) an individual, a corporation, a trade union or an employee organization has made one or more advertising contributions in excess of the limit referred to in section 167(2.1),

...

the Election Commissioner may serve on the individual or entity either a notice of administrative penalty requiring the individual or entity to pay to the Crown the amount set out in the notice, or a letter of reprimand.

Consequently, a contravention of section 193(c.1) is also now subject to an administrative penalty that may be imposed by the Election Commissioner. Section 193(5) sets out the potential penalties:

**(5)** The amount of an administrative penalty that may be imposed under subsection (2) must not exceed

(a) in the case of a contravention referred to in subsection (2)(a), twice the amount by which the contribution or contributions exceed the limit prescribed by section 147.2(3) and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention,

(b) in the case of a contravention of section 147.2(1) or (2) or 167(3), twice the amount that was contributed in contravention of that provision, and in no case may the amount of the administrative penalty exceed \$10 000 for each contravention,

(c) in the case of a contravention referred to in section 147.4, \$1000,

(d) in the case of a contravention referred to in section 187,

(i) \$10 000 if the third party is an individual, and

(ii) \$100 000, if the third party is a trade union, employee organization, corporation or other organization,

and

(e) in the case of any other contravention, \$10 000.

Of the numerous amendments made through Bill 29, of specific potential impact regarding disclosure is the repeal of several provisions under section 147.4 (s.17 of Bill 29) which had authorized local jurisdictions to pass a bylaw requiring candidates to file pre-election disclosure statements containing information including contribution amounts, campaign expenses/revenues, surpluses, etc. The Board had not previously adopted such a bylaw requiring pre-election disclosure statements, and it does not appear that the Board would have the authority to pass such a bylaw in the future given the repeal of these provisions by Bill 29.

The Board had previously adopted Bylaw No. 2012-2013-1 which required, on or before the first working day of March in the year immediately following the year in which an election has been held, the disclosure of a candidate's campaign contributions and expenses including a list of:

- Each contributor whose cumulative campaign contributions exceed \$100.00;
- The amount of each contributor's cumulative campaign contribution(s) under the appropriate heading; and
- If no cumulative campaign contribution exceeded \$100.00, then the list must still be completed but marked nil.

The requirements of that bylaw appear to be superceded by section 147.4(1) of the LAEA which has not been amended by either Bill 29 or Bill 45. Section 147.4(1) requires that the following information be included in a disclosure statement:

**147.4(1)** On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the secretary of the candidate's local jurisdiction a disclosure statement in the prescribed form, which must include

- (a) the total amount of all contributions received during the campaign period that did not exceed \$50 in the aggregate from any single contributor,
- (b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded \$50 in the aggregate,
- (c) the total amount of all contributions received as referred to in section 147.22(3),
- (d) the total amount from fund-raising functions,
- (e) the total amount of other revenue,
- (f) the total amount of campaign expenses,
- (g) an itemized campaign expense report setting out the campaign expenses incurred by the candidate,
- (h) the total amount paid by the candidate out of the candidate's own funds not reimbursed from the candidate's campaign fund,
- (i) the total amount of any campaign surplus, including any surplus from previous campaigns, and
- (j) the amount of any deficit.

Bill 29 also amended the LAEA by removing the provisions regarding "political advertising". Section 162(1)(i) of the LAEA previously defined "political advertising" as "... the transmission to the public by any means, at any time other than during an election advertising period, of an advertising message that promotes or opposes the election of a candidate, including an advertising message that takes a position



on an issue with which a candidate is associated, ..." [emphasis added]. The "election advertising period" in a general election is "the period commencing May 1 in the year in which a general election is held and ending at the end of the election day" (s.162(1)(e)). The main result of the removal of these provisions regarding political advertising is that there are no longer any requirements or restrictions regarding third party (such as political action committees) expenses and advertising contributions prior to May 1 of a general election year. The restrictions and requirements under Part 8 of the LAEA (e.g., registrations, expense limits, contributors, reporting) regarding third party advertising will only apply starting May 1.

In terms of limitations on contributions, the following amendments are of note. Section 147.2(3)(b) of the LAEA previously provided a limitation in which an Alberta resident could only contribute up to \$4,000 "in the aggregate to candidates for school board trustees." With the amendments, an Alberta resident may contribute up to \$5,000 "to any candidate for election as a school board trustee." Furthermore, while section 147.22(1) prohibits a person accepting a contribution or incurring a campaign expense unless they have been nominated as a candidate, and no candidate or person acting for a candidate may accept a contribution except during the campaign period, there are two new exceptions to these rules. These rules now do not apply to the following circumstances (s.147.22(3)):

- (a) a person who accepts not more than \$5000 in the aggregate per year in contributions outside the campaign period;
- (b) a candidate who makes a contribution of not more than \$10 000 in the aggregate per year to the candidate's own campaign from the candidate's own funds.

The "campaign period" in a general election is defined in the LAEA as "the period of time from January 1 to December 31 in a year in which a general election is held."

A new requirement is also found in section 147.4(2) which requires a "candidate who has incurred campaign expenses or received contributions of \$50 000 or more shall file a review engagement..."

A "review engagement" is defined as:

- i. a review of financial statements or other financial information or assertions for the purpose of providing negative assurance as to whether the subject-matter of the review is, in all material respects, in accordance with generally accepted accounting principles or other practice standards, or
- ii. a report or other communication for the purpose of providing negative assurance as to whether financial information is presented fairly;

Although not a recent amendment to the LAEA, section 147.91(2) authorizes an elected authority to pass a bylaw (prior to December 31 of the year prior to the general election) determining the campaign expense limits a candidate may incur as long as those limits are less than the amount determined by regulation. However, as of the writing of this report, no such regulation has been made by the Minister.

Similarly, although not a recent amendment to the LAEA, section 179 of LAEA sets out the requirements regarding the identification of third parties who sponsor election advertising "in accordance with the Minister's guidelines":

- (a) the election advertising must include the third party's name and contact information and must indicate whether the third party authorizes the election advertising;
- (b) subject to clause (c), in the case of election advertising that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the election advertising;
- (c) in the case of election advertising transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,
  - (i) the telephone number of the third party must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed,
  - (ii) the name of the third party must be stated at the beginning of the election advertising,
  - (iii) the election advertising must state whether the third party authorizes the election advertising, and
  - (iv) the telephone number of the third party at which the third party can be contacted must be stated at the end of the election advertising.

As of the writing of this report, the referenced guidelines have not been published on the Minister's department website as noted in section 179(3) of the LAEA.

## **COMMENTARY**

### Jurisdiction of the Board of Trustees

As to whether the Board may adopt new rules to ensure greater transparency related to political action committees, the LAEA does not expressly provide any such authority to do so. A legal analysis of whether such authority exists would need to be undertaken. Even if a school division could impose its own rules regarding political action committees, the issue of a school division's authority to enforce compliance would need to be reviewed.

### Jurisdiction of the Federal Government

With respect to the issue of whether the federal government, Elections Canada or the CRTC may enact overriding provisions requiring transparency in political advertising (especially over social media) that could require political action committees to disclose their funders, with respect to the federal government, it is highly unlikely that the federal government may enact such legislation given the division of powers under the *Constitution Act, 1867*. As the elections of local authorities fall within the purview of provinces under section 92, it would not appear that the federal government would have any jurisdiction to intervene. Furthermore, given that the mandate of Elections Canada is to mainly administer the federal *Elections Act* regarding the election of members to the House of Commons, Elections Canada would not have any jurisdiction over local elections. With respect to whether the CRTC would have any role with respect to social media requirements regarding political advertising over local elections, further inquiries would need to be made.

**KEY POINTS**

- Bill 45 added a provision limiting advertising contributions to any third parties (such as political action committees) during an election period to \$30,000 in aggregate.
- Bill 29 removed the authority of local jurisdictions to pass a bylaw requiring candidates to file pre-election disclosure statements.
- Bill 29 removed rules regarding political advertising which included third party advertising prior to May 1<sup>st</sup> in a general election year.
- Identification requirements of third parties who sponsor election advertising after May 1 in a general election remain.
- Any contemplation of rules a school board wishes to impose regarding third parties such as political action committees would require a legal analysis as well as a review of the authority of a local jurisdiction to enforce compliance of such rules. The LAEA does not grant any express authority to local jurisdictions to impose such stricter rules.
- The division of powers under the *Constitution Act, 1867* likely does not grant the federal government jurisdiction to enact legislation regarding local elections.
- Further enquiries as to whether the CRTC has a role in social media requirements regarding political advertising in local elections would need to be made.

MGC/cv