

CALGARY BOARD OF EDUCATION

Minutes of the Regular Meeting of the Board of Trustees (the “Board”) held in the Multipurpose Room, Education Centre, 1221 – 8 Street SW, Calgary, Alberta on Tuesday, December 2, 2014 at 12 noon.

MEETING ATTENDANCE

Board of Trustees:

Trustee J. Bowen-Eyre, Chair
Trustee L. Ferguson
Trustee J. Hehr
Trustee T. Hurdman
Trustee P. King
Trustee A. Stewart

Administration:

Mr. D. Stevenson, Chief Superintendent of Schools
Ms. S. Church, Deputy Chief Superintendent of Schools
Mr. F. Coppinger, Superintendent, Facilities and Environmental Services
Ms. C. Faber, Superintendent, Learning Innovation
Mr. B. Grundy, Superintendent, Finance and Supply Chain Services
Dr. C. Oishi, Superintendent, Human Resources
Mr. B. Brunton, Chief Communications Officer
Mr. G. Francis, General Counsel, Legal Services
Ms. J. Barkway, Corporate Secretary
Ms. J. Manfield, Recording Secretary

Stakeholder Representatives:

Ms. L. Robb, Calgary Board of Education Staff Association
Ms. H. Doppmeier, Alberta Teachers’ Association, Local 38
Ms. S. Goldenberg, Elementary School Principals’ Association
Mr. D. Swift, Principals’ Association for Adolescent Learners (PAAL)
Ms. P. Kaiserseder, Principals’ Association for Adolescent Learners (PAAL)

1 | CALL TO ORDER, NATIONAL ANTHEM AND WELCOME

Chair Bowen-Eyre called the meeting to order at 12:02 p.m. and O Canada was led by Prince of Wales School grade 5/6 senior choir students. On behalf of the Board of Trustees, Trustee Stewart thanked the students for their performance.

Chair Bowen-Eyre acknowledged and welcomed staff, public and representatives from the aforementioned organizations. She also welcomed Ms. Deb McLarty, and grade two students and parent volunteers from Evergreen School, and informed that while at 2School the students will be focusing on how to create a sustainable community for the future. The students will be investigating public art and historical structures using the Connaught area as their springboard for discussion.

2 | **CONSIDERATION/APPROVAL OF AGENDA**

Ms. J. Barkway, Corporate Secretary, noted that Item 6.5.2, Chief Superintendent's Update was pulled from the Consent Agenda and would be considered immediately following the Consent Agenda.

MOVED by Trustee King:

THAT the Agenda for the Regular Meeting of December 2, 2014 be approved as submitted, subject to the above-noted change.

The motion was
CARRIED UNANIMOUSLY.

3 | **RESULTS FOCUS**

3.1 **School Presentation – Prince of Wales School – Results 2**

Ms. S. Smith, Area V Director, provided a brief introduction to the presentation by stating that the presenters here today will share how Results 2, Academic Success is reflected in their daily lives at the school across all academic disciplines.

Principal Ms. N. Bezugley stated that teachers at the school work as a collaborative team to reach all students in their learning community and that the presentation would provide evidence of rich tasks that intellectually engage students beyond the program of studies. Two videos were shown showcasing students working in classrooms on thought provoking questions, and using D2L to collaborate with other students and provide feedback.

Parent Ms. A. Cairns and her son Levi shared their experience after Levi enrolled at the school. At Prince of Wales School, they felt welcomed and warmed; all the students are treated as individuals. She explained that since attending the school, the success for Levi has been amazing, both from a maturity and a self-esteem standpoint, and as a result, academically.

Grade 5 teacher Ms. R. Bergerman shared that one of the ways teachers engage students is through *Genius Hour* where students have a chance to direct their own learning. It is a chance to increase student engagement, accountability, and enjoyment. Students Emmitt, Mason, Tess, and Sydney each came forward and spoke of how *Genius Hour* has affected them and impacted their learning.

Trustee Stewart thanked the principal, parent, teacher and students for the presentation and expressed appreciation for the opportunity to hear about the exciting work that is happening in our schools.

4 | **RESULTS FOCUS**

4.1 **R-2: Academic Success – Annual Monitoring**

Chair Bowen-Eyre stated that this report was introduced at the November 25, 2014 meeting where trustees posed questions and received clarification on the report. The

Board must now consider whether the Chief Superintendent has made reasonable progress towards achieving the desired results of Academic Success.

MOVED by Trustee Ferguson:

THAT the Board of Trustees has reviewed the monitoring report on Results 2: Academic Success, and concludes that reasonable progress is being made toward the ultimate achievement of this Results policy.

MOVED by Trustee Hurdman:

THAT the motion be amended by the addition of “with the exception of policy subsection 2.1”.

Trustees debated the proposed amendment, and their comments are summarized as follows:

- A trustee stated that these are the indicators the Board has approved, and it is through these indicators that the Board monitors whether reasonable progress is being made. Of the 9 indicators on page 5-4, 4 targets were met, 3 were not, 1 partially met, and 1 with no data. It was noted that the report states on page 5-10 that the overall target for Provincial Achievement Tests (PATs) is to be *consistent or improving across time*. Although our results are above the provincial average, CBE results are declining and are cause for concern and should be recognized.
- It was stated that last year’s flood impacted the CBE’s results and may not be comparable to other year’s trend data, and with the changes in curriculum and assessment, it is difficult to determine if reasonable progress was made without baseline data. It may not be possible to compare past percentages with the current target due to the removal of the data set for grade 3 PATs. The CBE has experienced tremendous student growth and a decline in per student funding, and the judgement of reasonable progress must be tempered with the knowledge of these factors.
- A trustee noted that there are reasons why progress was not made in some areas and it is incumbent on the Board to ensure that it be noted. Going forward the Board needs to ensure that there are reasonable targets in place. If there were extenuating factors that prevented us from reaching those targets, it should be duly noted.
- The overall report shows reasonable progress is being made. Student results in Diploma exams give cause for celebration; although there are some areas of concern, the Board needs to consider all students when deciding if reasonable progress is being made.

The motion to amend was
DEFEATED.

In favour: Trustee Hehr
Trustee Hurdman
Trustee Stewart

Opposed: Trustee Bowen-Eyre
Trustee Ferguson
Trustee King

Trustees debated the main motion as follows:

THAT the Board of Trustees has reviewed the monitoring report on Results 2: Academic Success, and concludes that reasonable progress is being made toward the ultimate achievement of this Results policy.

- Although there are areas of concern, 5 of the 7 subject specific targets were met.
- A trustee noted that the Board continually sees evidence during school presentations at Board meetings of all of the different ways that the CBE supports students, and how they are experiencing academic success in a variety of areas every day.
- The Provincial Achievement Tests and Diploma exams are just one way to measure success for students. Students are demonstrating their learning in many ways every day.
- It was noted that as we move away from the testing structure that we currently have with the province, the Board will be more dependent on different forms of assessment in order to be able to decide whether or not students are successful.

The motion was
CARRIED.

In favour: Trustee Bowen-Eyre
Trustee Ferguson
Trustee King
Trustee Stewart

Opposed: Trustee Hehr
Trustee Hurdman

Chair Bowen-Eyre invited trustees to put forward any motions arising regarding commendations or areas of concern.

Motions Arising

MOVED by Trustee King:

THAT the Chief Superintendent be commended for the improvement in Grade 9 Knowledge and Employability results and participation rates.

Trustees debated the motion, and their comments are summarized as follows:

- Improving results for students enrolled in Knowledge and Employability courses has been a noted concern of the Board in past monitoring reports. We are gaining ground in this area, and this commendation is in recognition of the intentional focus of time and resources directed to support continuous improvement in this area. There continues to be work required to improve results for these students and it is appropriate for the Board to commend the Chief Superintendent for the reasonable progress being made.

The motion was
CARRIED UNANIMOUSLY.

MOVED by Trustee Hehr:

THAT the Board of Trustees identifies concerns with student results in each of the following areas:

- **First Nations, Métis and Inuit student achievement in all areas;**
- **English Language Learner student results for Grade 9 Provincial Achievement Tests; and**
- **the achievement of Grade 9 students at the acceptable level in the Provincial Achievement Tests for Math and Science.**

Trustee comments in debate of the motion are summarized as follows:

- There is a noted concern on page 5-19 regarding the achievement of First Nations, Métis and Inuit student results on the Accountability Pillar. The results for Grade 9 Math and Grade 6 Science are both below provincial results as indicated on page 5-12. The report also notes a decline at the acceptable standard and the standard of excellence for Grade 9 English Language Learners. Results are trending in a downward direction for both the province and the CBE.
- In support of the motion, a trustee expressed that by noting these concerns, it gives a more direct focus on these results and it is important for the Board to support these concerns. It was noted that when the Board flagged Knowledge & Employability courses as an area of concern there was considerable improvement.
- A trustee stated that although in support of the motion, it should be noted that the programs of study for Math are new; when new programs are introduced into the school system it takes time for the data to become stable. Going forward, teaching practices will become stronger and we should see better results from students.
- Raising these concerns is a message to the province that as change occurs, it is incumbent on the Board to make sure that the resources and the examination of the assessment provides for a reasonable expectation of student success.

The motion was
CARRIED UNANIMOUSLY.

MOVED by Trustee Hurdman:

THAT the Chief Superintendent be commended for the CBE Diploma Exam results.

- The results of the Diploma Exams show the CBE has performed extremely well, especially in the areas of Biology, Chemistry and Physics.
- Although the tests only apply to a certain group of students, the CBE is a diverse and complex school board with students who come to the CBE at various stages and different backgrounds and the results show how we work with them to become successful.

The motion was
CARRIED UNANIMOUSLY.

MOVED by Trustee Hurdman:

THAT the Board of Trustees directs the Chief Superintendent to review the indicators for Results 2: Academic Success and report to the Board prior to June 30, 2015.

Trustees debated the motion, and their comments are summarized as follows:

- It was noted that the CBE developed the grade 4-12 curriculum prototype. There is ongoing conversation occurring across the province on how to assess student success and the values of assessment within the province may dictate the conversation.
- Concern was noted that we will be constrained by these conversations and that we will be constantly changing the indicators over the next several years as decisions are made on assessment and reporting.
- Trustees and Administration have discussed at length the need to review policies for potentially all Operational Expectation policies and possibly all Results policies. This will likely be an ongoing and in depth conversation and require significant work. A June 30 deadline may be unreasonable.
- The Chief Superintendent commented that changing indicators will entail changing data sets, which may not result in a report based on the past year; it may require a year of data collection in some cases.

The motion was
CARRIED.

In favour: Trustee Bowen-Eyre
Trustee Hehr
Trustee Hurdman
Trustee Stewart

Opposed: Trustee King
Trustee Ferguson

4 | **OPERATIONAL EXPECTATIONS**

4.1 **OE-11: Learning Environment/Treatment of Students – Annual Monitoring**

Chair Bowen-Eyre stated that this report was introduced at the November 25, 2014 meeting where trustees posed questions and received clarification on the report. The Board must now consider whether the Chief Superintendent is in compliance with the provisions of OE-11.

MOVED by Trustee Stewart:

THAT the Board of Trustees approves that the Chief Superintendent is in compliance with the provisions of OE-11: Learning Environment/Treatment of Students.

The motion was
CARRIED UNANIMOUSLY.

MOVED by Trustee King:

THAT the Chief Superintendent be commended for establishing and maintaining a learning environment that is safe, respectful and conducive to effective learning for each student by maintaining a climate that is characterized by support and encouragement for high student achievement.

Trustees' comments are summarized as follows:

- It was stated that throughout the year we have had many presentations where students spoke about the benefits of partnerships in supporting student success, as well as a recent presentation on High School Success. There were also many examples of student success in the student-contributed examples of academic success in the Result 2 monitoring report. It is through these presentations, reports, and examples that provide evidence that the Chief Superintendent is in compliance with OE-11 and should be commended in this area for maintaining a climate that is characterized by support and encouragement for high student achievement.

The motion was
CARRIED UNANIMOUSLY.

Recessed: 1:32 p.m.
Reconvened: 1:48 p.m.

5 | MATTERS RESERVED FOR BOARD ACTION

5.1 Presentation of the 2013-2014 Financial Results of the Calgary Board of Education

Trustee Ferguson, as Chair of the Audit Committee, provided highlights of the report and noted that the CBE has complied with all legislated requirements of the *School Act* and the governance policy with respect to the preparation of the audited financial statements for the fiscal year ended August 31, 2014.

Trustee Ferguson expressed her appreciation to all the volunteer members of the Audit Committee for their diligent work, and acknowledged that we are fortunate to have three external members, all of whom have significant experience and qualifications in the financial area. She expressed a special thank you to Mr. R. Newbury who is retiring after more than 10 years on the Committee, for his commitment and support of public education and our students.

The auditors, KPMG LLP have confirmed that CBE Administration have appropriately coordinated and cooperated with them, and that KPMG reported no significant deficiencies in controls for how funds are received, processed or disbursed. The statements indicate that CBE Administration have done a good job of planning and reorganizing operations to operate efficiently and sustain high quality for students.

Because of prudent fiscal management, the CBE ended the year with a \$9.1 million surplus which was transferred into reserves. The CBE did not have to draw down reserves to fund its operations and achieved 98% accuracy compared to the fall budget update. The Auditors commented on the strong and detailed work done by CBE

Administration. Trustee Ferguson expressed thanks on behalf of the Board to Superintendent Grundy and his staff for their outstanding efforts and appreciation for the expanded format of the financial results report.

Superintendent Grundy noted the following additional information: the financial statements are prepared in accordance with the Canadian Generally Accepted Accounting Principles for the public sector; they represent expenses rather than cash expenditures and is referred to as accrual accounting. He noted that in conducting the audit, the Auditors had a materiality level of \$15 million which reflects about 1.3% of the CBE's total expenditures and provides reasonable assurance that the financial statements are free from material misstatement.

The following is a summary of Administration's responses to Trustee questions:

- When preparing the budget, Administration was not absolutely confident as to what the Alberta Teachers Retirement Fund (ATRF) contribution would be. As a result, there was a \$10.4 million increase in revenue, and an off-setting \$10.5 million increase in expenses.
- The CBE has a significant investment portfolio that arises when we receive funds from the province that are not expended immediately but occurs over time. The CBE's investment policy requires maximizing returns while minimizing any risks of losing the invested capital. Administration planned for a return of 5-7% but actual returns for 2013-2014 were closer to 14%.
- There is a requirement under the *School Act* for school boards to invest excess resources and earn interest to support the delivery of education services.
- There is an unfavourable variance from budget to actual for Federal Government and First Nations funding on page 5-49. Those funds are grant monies requested by schools and are variable from year to year.
- When budgeting, Administration estimates for the future year what the reserve status may be in the Transportation account. The *School Act* requires schools boards to have a plan in place to utilize any surplus that occurs. Going forward, Administration will take a more detailed look at what actual costs for transportation are in an attempt to narrow the gap between actual and estimated costs.
- In 2013-2014 there was a spike in natural gas prices which resulted in a significant increase in utility costs. Administration will attempt to minimize the variability of natural gas costs by hedging some of that cost to fix the price.
- Interest and dividends earned on investments are reinvested; investment income is recognized when investments are sold.

MOVED by Trustee Ferguson:

THAT the Board of Trustees approves the Financial Results of the Calgary Board of Education for the year ended August 31, 2014, including the Audited Financial Statements for the year ended August 31, 2014 and the Auditors' Report dated December 2, 2014, for submission to the Minister of Alberta Education.

Trustees expressed appreciation to Administration for clarity in the report which paints a clear picture of exactly where the CBE's resources are being spent.

The motion was
CARRIED UNANIMOUSLY.

5.2 Consideration of Filling the Board Member Vacancy

Chair Bowen-Eyre read the following information to introduce this item:

"The Board of Trustees would like to take this opportunity to clarify what has happened to date and address some misconceptions raised by a number of survey respondents about the departure of Trustee Taylor.

On October 1, 2014, Trustee Taylor announced her intention to run in a by-election for the Alberta Legislative Assembly. Trustee Taylor requested a "leave of absence" from her responsibilities as a member of the Board of Trustees.

The Board of Trustees was unable to grant this request because the School Act does not allow it. The School Act does not allow the Board of Trustees to approve a "leave of absence" from a trustee's role, duties and legislated responsibilities as a trustee, nor does it allow a Trustee to take such a "leave of absence".

This was not a choice but a legal limitation that protects democratic process. This limitation denies the Board the authority to "un-elect" a trustee for any period of time, which is an important protection for all trustees. It also denies to trustees the ability to "un-elect" themselves for a period of time. Once a trustee is elected and takes the oath of office, this cannot be undone except through resignation, end of term, or legislated reasons for disqualification.

There is a strong consensus of legal opinion and precedent on this matter. This limitation has been in place for many years in Alberta. This same limitation was raised in 2003 when a different CBE trustee requested a "leave of absence". The Board at that time indicated that it did not have the legal ability to grant such a leave.

Board members offered to support Trustee Taylor in the only way available under the School Act. The School Act does allow a trustee to be absent from regular board meetings in certain instances. Section 82 of the School Act authorizes a trustee to be absent from three consecutive regular meetings of the board if authorized by a resolution of the board. Board members expressed a willingness to approve Trustee Taylor to be absent from three consecutive regular board meetings. A special board meeting was called for October 3rd to attain this required resolution.

The Calgary Board of Education informed Trustee Taylor of all aspects of this situation. Trustee Taylor was advised of both the legal limitations which prevented the Board from approving the "leave of absence", and the Board members' expressed willingness to consider approval of the meeting absences. Trustee Taylor was advised that while she would be approved to be absent during the period of the

provincial by-election, the Board did not have the authority under law to relieve her of her fiduciary duties as a CBE trustee during that period.

Trustee Taylor did not choose to continue as a trustee. Trustee Taylor submitted her resignation from the office of trustee of the Calgary Board of Education at a meeting of the Board on October 3, 2014.

Under the School Act, a trustee's resignation is in effect once received. Section 250 of the School Act states that "...the trustee ceases to hold office at the meeting of the board at which the trustee's resignation is submitted." As of that meeting, Ms. Taylor therefore no longer held the office of trustee of the Calgary Board of Education.

Under the School Act a trustee resignation is irrevocable. There is no way under law to "un-resign" Trustee Taylor. At the October 3 meeting, the Board of Trustees passed a motion to accept Trustee Taylor's resignation. This motion did not enact or authorize the resignation; under legislation the resignation was already a fact and in effect. The motion simply put the resignation into the minutes of a public meeting of the Board. While it may be possible for the Board to rescind the motion, that action would have no effect on the resignation itself or the application of the Act.

The Board cannot appoint a person to fill a vacancy, or re-appoint a previous trustee. Section 251 of the School Act governs the filling of a vacancy and does not allow for the appointment of any person under these circumstances. This limitation protects democratic process.

The only way to fill the vacancy created by Trustee Taylor's resignation is to hold a by-election. Section 251 of the School Act establishes a by-election as the only way. Ms. Taylor's resignation from the Board of Trustees created a vacancy and Section 251 of the Act applies.

The Board of Trustees must decide. Whether to hold a by-election and fill the vacancy created by Ms. Taylor's resignation is entirely within the discretion of the remaining trustees who hold office at the Calgary Board of Education."

In response to a question, Chair Bowen-Eyre stated that the approximate cost of holding a by-election as per the Returning Officer at The City of Calgary is estimated to be \$140,000 to \$170,000.

MOVED by Trustee Hurdman

THAT the Board of Trustees makes provision to fill the board member vacancy by holding a by-election; and

THAT the Corporate Secretary communicates with The City of Calgary Returning Officer to request the provision of a by-election as soon as is practicable.

Trustees debated the motion, and their comments are summarized as follows:

- As Board members, trustees are elected to represent the voices of all students across the City. Each trustee knows the members of their communities in their wards better than any other communities, and it is important for the Board to have a 7th trustee who will represent the citizens of Wards 11 and 13 in those communities and in the boardroom.
- Wards 11 and 13 deserve to be represented; the Wards have a population greater than Airdrie and Red Deer combined and represents 14% of Calgarians. Public education needs as many champions as possible that are willing to advocate for student needs. The next election is in October 2017 and thus is a significant amount of time to have one less voice at Board meetings. A by-election is also a great way for students to learn about democracy and the Board needs to lead by example in allowing Wards 11 and 13 to participate in the democratic process.
- A trustee referenced the CBE's Results 3 policy on citizenship which states we expect students to participate and maintain a democratic society and understand the rights and responsibilities of citizenship. If we want students to demonstrate these characteristics and ethics then we must model that behaviour as a school district and governance board.
- As elected representatives, the Board asked the public for input and the majority of the public said they did not want a by-election. The public asked the Board to be fiscally responsible and maximize resources for classrooms. Trustees should honour that.
- A trustee noted that the cost of the by-election is a very small portion of the CBE budget.
- A trustee pointed out that an equal number of trustees will result in tied votes and result in motions being defeated. There should always be an opportunity for a clear decision to be made.
- A trustee recalled a meeting where a former trustee spoke strongly to his belief that trustees play a very valuable role in our education system. He commented that trustees need to fight to be heard to show communities how much value trustees can provide for students; that former trustee is currently our Education Minister.

The motion was
CARRIED.

In favour: Trustee Bowen-Eyre
 Trustee Ferguson
 Trustee Hehr
 Trustee Hurdman
 Trustee Stewart

Opposed: Trustee King

Chair Bowen-Eyre stated that it is expected that a by-election will take 12-14 weeks and could potentially be held in mid-April. The Board of Trustees will hold an information session for potential new candidates in the New Year.

6 | CONSENT AGENDA

Chair Bowen-Eyre noted that Item 6.5.2 was removed from the Consent Agenda. All other items under Section 6 are considered approved as circulated:

6.1 Approval of Minutes

- Regular Meeting of the Board of Trustees held November 4, 2014
THAT the Board of Trustees approves the minutes of the Regular Meeting held November 4, 2014, as submitted.

6.2 OE-6: Financial Administration – Reasonable Interpretation

THAT the Board of Trustees approves the revisions to the Reasonable Interpretation of OE-6: Financial Administration, subsection 6.2 and the indicator related to quarterly variance reporting.

6.3 CBE Response to 2015-2018 Alberta School Boards Association (ASBA) Strategic Plan Survey

THAT the Board of Trustees approves the survey response, as attached to the report, for submission to Alberta School Boards Association as the Calgary Board of Education's input for the ASBA Advocacy Plan and the 2015-2018 Strategic Plan.

6.4 Terms of Reference for the School Naming Committee

THAT the Board of Trustees approves the amendments to policy GC-5E Board Committees – School Naming Committee Terms of Reference, as shown in Attachment I of the Report.

6.5 Items Provided for Board Information

The following reports were provided to the Board for information:

- 6.5.1 Correspondence
- 6.5.3 Report from the Strategic Dialogue and Public Engagement Committee

The following item was removed from the Consent Agenda.

6.5.2 Chief Superintendent Update

The following is a summary of Administration's responses to Trustee questions:

- Administration is expecting to receive pilot project reports on the grade 3 Student Learning Assessments from the province on December 10, 2014. Administration would expect teachers to be communicating the assessment data that they were responsible to evaluate within their classrooms in their normal course of interaction with parents.
- Administration explained that parents receive a minimum of two notices regarding fees collection and waivers in a variety of languages prior to forwarding these

accounts to a collection agency. The CBE does not have the resources to contact parents by phone. Once an account has been forwarded to a collection agency, parents still have the opportunity to contact the CBE's fees central location and be eligible for a 2013-2014 fee waiver.

Chair Bowen-Eyre informed that the Regular meeting would go in-camera for the Board to discuss one item relevant to a land issue.

Recessed: 2:47 p.m.
Reconvened: 3:08 p.m.

Chair Bowen-Eyre did not immediately return to the meeting. Vice-Chair Hehr assumed the Chair.

7 | **IN-CAMERA ISSUES**

7.1 **Motion to Move In Camera**

MOVED by Trustee Hurdman:

Whereas the Board of Trustees is of the opinion that it is in the public interest that matters on the Private Agenda for the Regular Meeting of the Board, December 2, 2014, be considered at an in-camera session; therefore be it

Resolved, THAT the Regular Meeting of the Board of Trustees moves in camera.

The motion was
CARRIED.

In favour: Trustee Ferguson
Trustee Hehr
Trustee Hurdman
Trustee King
Trustee Stewart

Absent: Trustee Bowen-Eyre

7.2 **Motion to Revert to Public Meeting**

MOVED by Trustee Stewart:

THAT the Regular Meeting of the Board of Trustees moves out of in camera.

The motion was
CARRIED UNANIMOUSLY.

8 | **ADJOURNMENT**

Chair Bowen-Eyre declared the meeting adjourned at 3:25 p.m.