

**STATUTORY SUPPORT FOR COMMUNITY INVOLVEMENT
IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN CANADA:
AN ANALYSIS OF PROVINCIAL EDUCATION ACTS.**

**A Thesis
Submitted To
The Faculty of Education
Division of Graduate Studies and Research
McGill University
Montreal, Quebec**

**In Partial Fulfillment
Of The Requirements For The Degree
Master of Arts
in
Educational Administration**



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February 1982**

ABSTRACT

The survey described provisions in provincial education acts, governing elementary and secondary public schools in Canada, which were deemed supportive of school-community involvement. Three areas in which school-community could occur were recognized: Facilities, Program, Governance. Program and Governance were divided into eight aspects; adaptation of regular program, additional activities for youth, adult education, use of community resources, delivery/coordination of community services; information to the public, advisory committee, community control. Supportive provisions were first described for school-community involvement in each province, and then for each area across Canada. It was found that all provinces had supportive provisions in all areas of school-community involvement. Supportive provisions in the areas of Facilities and Program were mostly permissive. In the area of Governance provisions for the information to the public aspect were mainly mandatory. Support for the advisory committee and community control aspects was, in most provinces, conditional and limited.

RESUME

Cette recherche décrit les dispositions qui permettent la participation de la communauté à la vie de l'école au sein des législations provinciales, qui réglementent les écoles publiques primaires et secondaires au Canada. Trois domaines de participation de la communauté à la vie de l'école furent distingués: Equipements, Programmes et Administration. Programmes et Administration furent subdivisés en huit catégories: adaptation des programmes réguliers, activités supplémentaires pour les jeunes, éducation des adultes, emploi des ressources communautaires, diffusion/coordination des services à la communauté; information du public, comité consultatif, et contrôle communautaire. Les dispositions permettant la participation communautaire à la vie scolaire furent d'abord décrites pour chaque province, puis pour chaque domaine étudié, à travers tout le Canada. Les résultats de la recherche indiquent que toutes les provinces ont des dispositions permettant la participation communautaire à la vie scolaire pour tous les domaines étudiés. En ce qui concerne Equipements et Programmes, ces dispositions sont surtout permissives. En ce qui concerne Administration, les dispositions relatives à l'information du public sont surtout obligatoires. Le soutien statuaire relatif aux comités consultatifs et au contrôle communautaire est, dans la plupart des provinces, limité et conditionnel.

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ACKNOWLEDGEMENTS

The author acknowledges with gratitude all encouragement, assistance and support provided during the execution and reporting of the survey.

Particular appreciation and gratitude are expressed to Dr. Ronald H. Tali, the author's advisor.. Dr. Tali's expert advice and guidance were invaluable.

A special thanks to the members of my immediate family. Without their continuous interest and understanding this study would never have been completed.

M.N.

CHAPTER I

INTRODUCTION

Community Involvement-Historical Perspective

Community involvement in schools is not a recent development. Historically, the school and the community have been closely related. The community, both rural and urban, saw the school as an extension of the family. The school was charged with complementing and attenuating the socializing impact of family, kin and community. It did not act as an independent innovative force, but responded to changes in the parental community. The parent was, in essence, the client. (Carlton, 1974) When discussing this familistic model of the school, Carlton noted that one of its characteristics is that no elaborate educational superstructure can interpose itself between the home and the classroom. In most cases elected or appointed representatives of the community formed the local school board which to all intents and purposes administered school affairs.

Consolidation of School Boards

Consolidation of school boards started in Canada in 1903 (Wilson et al., 1970) and is continuing up to the present day (OECD, 1976; Nova Scotia, 1981). It was

believed that consolidation would increase educational opportunities for children, especially in rural and remote areas. It would result in a more equitable distribution of resources, because small units or districts could not bear the increased cost of education (Patterson, 1970). Consolidation did create school boards, whose jurisdiction often extended over so extensive an area that their relationship to the individual and the community became somewhat nebulous (OECD, 1976; CEA, 1979). The distance between the individual and the school organization led to alienation and contributed to the tensions in society (Kent, 1980; Toombs, 1980).

Community Involvement-Solution to Educational Problems

It is thought that the distance between the school authority and the community is to blame for some educational problems. Many authors (Fantini, et al., 1970; Kent, 1980; Minzey & Le Tarte, 1972; Seay, 1974; Toombs, 1980; Totten, 1970) concur with Allen (1973) who proposed community involvement in education as an antidote for the conflict and alienation characteristic of contemporary society. Underlying their support for community involvement is the belief in the value of participatory democracy.

Progress Towards Community Involvement

Provincial governments have made statements supporting community involvement in the schools according to the Organization for Economic Co-operation and Development's report on Canadian educational policy (OECD, 1976). But the report judged community involvement minimal and viewed prospects for provincial government progress towards more community involvement as gloomy. Eastabrook & Fullan (1978) commented on the general, almost philosophical nature of the Ontario Ministry of Education's statements regarding community involvement. Hanna (1980) reported that Manitoba had no overall policy on community schools.

Progress towards more community involvement in the schools seems to be taking place in some provinces. Sullivan & Michael (1979) stated that Nova Scotia had drafted legislation providing assistance to community schools. The province of Alberta recently published a detailed document (IDCSC, 1980) on how schools could gain access to the Alberta Community School Programme. In this context it must be noted that each province has its own definition of a community school. To avoid confusion it might therefore be better to refer to school-community involvement when discussing provincial support on a Canada-wide basis.

Support for School-Community Involvement

Provincial support for community involvement in elementary and secondary schools could be manifested in many ways. Regulations, statements and speeches are some that come to mind. However, supportive pronouncements or recommendations may be politically motivated and not necessarily acted upon. Similarly, regulations can be altered or withdrawn at will. A real commitment on the province's part to community involvement in education would be reflected in its education acts. The law, after all, determines the ministry of education's policies. It can therefore be regarded as a true indicator of provincial support for school-community involvement.

Statement of the Problem

The question then arises, "To what extent do provincial education acts support community involvement in public elementary and secondary schools?" The purpose of this study was to identify and describe provincial statutory support for school-community involvement in public elementary and secondary schools, and to synthesize these findings to describe statutory support for school-community involvement in public elementary and secondary schools for Canada as a whole.

Significance of the Study

Much has been written about community involvement in education in Canada. In 1975 there were four Canadian bibliographies on community involvement in Canada. In 1977 the Canadian Teachers' Federation felt the need to update its 1972 bibliography on community schools.

However, there are very few publications which survey community involvement on a Canada-wide basis. For instance, Corman's bibliography on Community Education in Canada (1975) lists 211 titles. Out of these only four survey the Canadian scene as a whole. The others deal with theoretical aspects or local and provincial community involvement. The CEA Task Force Report (1979) concerned a survey of Canadian public opinion about public involvement in educational decisions.

Few studies have looked at statutory support for community involvement in education in Canada. Some report on support for certain aspects. Gayfer (1978) stated that no province had legislation prohibiting community councils or parent advisory boards; only Quebec had mandatory advisory councils. Munroe (1974) reviewed the legal powers of the Ministers of Education and the regulatory powers of the Lieutenant-Governors of each province. No attempt was made to synthesize the findings and no attention was paid to legal support for community involvement.

Prout's study (1976) did concern itself with legal conditions of community involvement in Canada. His data sources were interviews, government documents and statements. Education acts were not studied. The Prout survey, although reporting on legal conditions, was not and did not pretend to be a survey of statutory support for community involvement in public elementary and secondary schools in Canada.

A survey of statutory support for community involvement in elementary and secondary schools would be significant for several reasons. It would fill the information gap which now exists regarding statutory support for community involvement. It would give a comprehensive description of the support provincial governments are giving, or are prepared to give to community involvement. Moreover, it would give an indication of support for community involvement on a Canada-wide basis.

Such a survey would give administrators the opportunity to increase or refresh their knowledge of their provincial law and to compare their province's support for community involvement with that of other provinces.

In addition, a survey of this kind would give provincial governments the opportunity to compare their statutory support for community involvement with that of other provinces.

CHAPTER II

REVIEW OF RELATED LITERATURE

Minzey's Aspects of Community Involvement in Education

Jack Minzey (1974) recognized six components of community education. These are:

1. An educational program for school age children which relates to the community. The community would be brought into the classroom and the classroom into the community. In essence the curriculum would be adapted to reflect the community. Use of community resources would be encouraged.
2. Joint use of community facilities. The community would use the school's facilities (e.g., library, gym) and the school would use the community's facilities (e.g., skating rink, swimming pool).
3. Additional programs for school age children and youth. Additional information, activities and experiences would be offered before school, after school, weekends and summers. These activities could be educational, recreational, cultural or social.

4. Programs for adults. The needs of adults would be recognized as being as important as those of the school-age student. Programs offered could be academic, recreational, vocational, cultural or social.

5. Delivery and coordination of community services. This would involve identification of community problems and resources, and providing the necessary coordination to enhance the service to the community. A community coordinator might be needed.

6. Community involvement. This aspect could be described as an effort to return to participatory democracy. Involvement might occur through community councils, which would identify local problems and develop the process to solve such problems. School administration personnel would assist the council in its organization and development.

Minzey believed that development of community education generally moved from component 1 (educational programs for children) to component 6 (community involvement), although most school districts would possess all aspects to some degree. He made a distinction between program components (1-4) and process components (5-6). Both program and process components were, according to Minzey, important to the total concept of community education.

All six components related to passive or active involvement of the community in education. They may therefore be regarded as aspects of community involvement in education.

Sullivan (1976) added special provisions for human and financial resources for community schools as a component. However, provisions for resources might better be regarded as an indicator of support for, rather than a component of community involvement in education.

Coleman (1971) regarded local control and accountability as essential aspects of community involvement in education. Local control would be lay control, with elected representatives making policy decisions and being accountable to all members of the community including students, teachers, taxpayers, parents and other citizens. Accountability would entail making provisions for members of the community to participate, between elections, in advisory and decision-making capacities in the running of the schools.

Hodgson (1972) saw a school council, equivalent in most statutory powers to a school board, as a possible consequence of community involvement.

Stevens (1974) listed community control as the last phase of community involvement in education. Formal decentralization of certain school board functions, such

as budget, personnel or curriculum development would occur in this phase.

It could be argued that election of school board members is an aspect of community involvement. From the above it is clear that Coleman, Hodgson and Stevens did not regard this form of democracy a component of community involvement. They expanded on Minzey's sixth aspect (community involvement) and moved toward community control. Community control would mean control over certain aspects of public elementary and secondary education.

It is interesting to note that Minzey & Le Tarte (1972) did not see community control as part of community involvement. They argued that community control would substitute one power group for another.

Kent (1980) and the CEA Task Force Report (1979) both underscored the direct relationship between adequate information on school board activities and public involvement. Information to the public can then be considered another aspect of school-community involvement.

Indicators of School-Community Involvement

A consolidation of the above mentioned aspects of community involvement would result in a conceptual framework in which each aspect could be considered an indicator of school-community involvement in education. Provisions

in an education act for any of the aspects of community involvement would be an indication of statutory support. The indicators can be grouped under three headings: Facilities, Program and Governance.

Facilities

Supportive provisions in this area would refer to the use of the school by the community, and the use of community facilities by the school.

Program

This area contains five aspects:

1. Adaptation of the Regular School Program to reflect the Community.
2. Additional Activities for Youth.
3. Adult Education.
4. Use of Community Resources, e.g. volunteers, organizations.
5. Delivery and/or Coordination of Community Services, e.g. health, welfare, manpower, etc., through the school.

Governance

Three aspects occur in this area:

1. Information to the Public in respect of the operation of the school.

2. Advisory Committees at school or school board level.

3. Community Control, that is, control by the community over certain aspects of public elementary and secondary education.

Legal Framework of Education

Enns (1963), Gauerke (1965) and Johnson (1969) recognized several categories of law influencing education. These included constitutional law, statutory law and administrative law. Section 93 of the British North America Act (BNA Act) assigns exclusive rights and powers to the provinces in educational matters. The recently concluded agreement on repatriation of the constitution may influence this monopoly. For the moment, however, the BNA Act is still in effect.

Provincial legislatures enact laws pertaining to education. The ministries of education make administrative rules and regulations designed to implement statutory and constitutional law.

The provincial statutes then set the broad framework within which ministries of education, school boards and schools function. The education act of a province establishes the structure of the educational system and much of its operations by specific mandate and prohibition.

(Enns, 1963). Provincial statutory support for community involvement in education could therefore be determined by an analysis of the education acts.

Levels and Types of Statutory Support

The education acts establish the structure and operations of the educational system. Support in the statutes for certain aspects of education can be expressed in mandatory or permissive provisions (Ballance & Kendall, 1969). Mandatory legislation is directive, it leaves no options.

It might be expected that a survey of this kind would attempt to arrive at an indication of the level of support (high, moderate, low) that existed for aspects of school-community involvement by relating the allocation of resources for school-community involvement to the type of supportive legislation (mandatory, permissive).

However, the quality or quantity of allocation of resources is difficult to assess. They can only be evaluated in relation to the recipients. And although mandatory provisions with respect to community involvement could indicate a high level of support, permissive legislation would not necessarily indicate a lower level of provincial support. For instance, provisions allowing parents to appeal school board decisions to the courts, although permissive, may be highly supportive of the

aspect Community Control. The level of support would depend on the conditions for appeal. These might be set out in statutory law or in regulations.

Moreover, Ballance & Kendall (1969) found there was no relationship between the type of legislation (mandatory, permissive) and the quality or quantity of allocated resources.

The foregoing makes it clear that a survey of education acts to determine statutory support for school-community involvement can only give a description of supportive provisions. Attempts to assess the level of support by relating quality and quantity of resources to types of statutory support for school-community involvement can only be carried out when a thorough study of each province's actual educational system and of the programs which have been developed is undertaken.

It should be noted that the absence of supportive provisions in education acts does not prohibit school boards to involve the community. However, there would be no statutory basis and support for community involvement would be at the discretion of the school boards or the minister.

CHAPTER III

RESEARCH PROCEDURES

Restatement of the Problem

A commitment by a province to community involvement in education would be reflected in the provincial statutes. The literature on community involvement in Canada does not survey provincial statutory support for community involvement. The purpose of this study was to identify and describe provincial statutory support for school-community involvement in public elementary and secondary schools, and to synthesize these findings to describe statutory support across Canada.

Research Questions

The study attempted to answer the following questions:

1. What is the statutory support for the aspects of school-community involvement in public elementary and secondary schools in each province?
2. What is the statutory support for each aspect of school-community involvement in public elementary and secondary schools on a Canada-wide basis?

Definition of Research Terms

For the purposes of data collection and analysis the following definitions were applied.

Community referred to the school attendance area and the geographical area. The community included the immediate family of the students, and all residents in the geographical area. Students with teachers, principals and support staff were considered members of the school community. They were not considered community members for the purpose of this survey.

Education act referred to the consolidated statutes respecting elementary and secondary education in a province. A bill is a proposed law before the legislature. Once a bill is passed it becomes an act or statute. Consolidation of statutes occurs when the legislation is brought up to date, incorporating the changes in the law since publication of the Revised Statutes. These are published usually at ten year intervals.

Public school referred to schools wholly supported by public money.

School-community involvement meant involvement of the community with school facilities, school programs and school governance; and the involvement of the school with the community, its facilities, resources and services.

Limitations of the Study

The study was confined to education acts. Bills before the legislature, or bills which died on the order paper were not considered. The educational statutes, passed up to and including the day of adjournment of the latest provincial legislative session in 1980, were studied.

It should be realized that although education acts define the structure and operation of provincial elementary and secondary education systems, they are not the only legal instruments governing the administration of education. Other federal and provincial statutes (e.g., Criminal Code, child labour acts, election acts) have an influence on educational administration.

It should be noted that unless sections and articles of statutes have been clarified in the courts, legal research, by its nature, remains an expression of opinion. In addition, it might be misleading to compare legislation from one province to another. By isolating legal provisions from their context, violence may be done to their meaning (Ballance & Kendall, 1969).

As noted earlier, the absence of supportive provisions for school-community involvement does not necessarily prohibit such involvement.

Although keenly interested in legal aspects of education, the researcher has no legal training.

It was not part of the purpose of the study to give an overview of provincial educational administration in Canada. The reader is referred to Munroe (1974) or the OECD report (1976) for information in this area.

It was not the intent of the study to determine the quality or quantity of statutory support, or the extent of the development of school-community involvement.

The survey did not concern itself with provisions relating to schools for Indians, schools in the North West Territories and the Yukon, or schooling for the mentally and physically handicapped.

Data Collection

The provincial statutes were the data source for this survey. Data were collected from provincial statutes governing elementary and secondary education enacted on or before the adjournment date in 1980 of the respective provincial legislatures.

In most cases consolidation of the statutes was carried out by the researcher. The provincial Revised Statutes served as the basis for consolidation. All Statutes published after the Revised Statutes were searched for amendments to the education acts. The consolidations and searches were conducted in a university library, as travel to the provinces was impossible because of financial

considerations. This led sometimes to delays, because the library's collection of Statutes was not always up to date.

Provisions indicative of school-community involvement were selected from the education acts by applying Enns' (1963) "principles of construction of statutes" (appendix A) and the earlier discussed indicators of school-community involvement. Other acts were sometimes consulted to clarify sections of the education acts.

Data Analysis

The selected provisions were further scrutinized. The definition of terms and the description of aspects of school-community involvement assisted in rejecting several provisions which seemed to be supportive of community involvement, but were, in fact, not.

The greatest difficulty arose with the aspect Adaptation of Regular Program to reflect the community. The student was considered as belonging to the school community. Adaptation should respond to the community's needs and priorities. Specific programs or services designed to respond to the students' needs and priorities without reference to the community were not considered supportive of school-community involvement. These included technical and vocational programs, work experiences for students, cultural, athletic and social activities as features of the

regular program, driver education programs, summer school, school traffic patrols, free lunches, health care, inter-scholastic events and transportation of pupils.

Recognition of the right of the individual to access to certain programs, e.g. French language instruction for an English-speaking student subject to committee, board or ministerial approval, was not considered community involvement, because access was not available to the community or a minority group within the community, but to the individual.

Some provinces extended free school privileges beyond the mandatory school age to the age of twenty or twenty-one. It was decided that these provisions could not be judged as indicative of support for Adult Education.

A preparatory program for elementary education, sometimes referred to as Kindergarten, was not considered as supportive for the aspect Additional Activities for Youth.

Provision for day care was seen as supportive of the aspect Community Services. It is realized a case could be made for considering it supportive of Additional Activities for Youth.

Provisions for advisory committees at the ministerial level were not seen as supportive of school-community involvement, because involvement was not at the school or school board level.

As stated earlier, the distance between the individual and the school organization was seen to be one

of the contributing factors to alienation. The fact that school boards have elected members was not perceived as community involvement. Consequently provisions associated with this practice of Canadian democracy were not considered, for the purpose of this survey, as indicative of community involvement. These provisions were for election of school board members, challenges relating to validity of elections, qualifications and liabilities of elected, notice of deposit of evaluation roll, board meetings open to the public, public notice of public meetings, publication of annual reports and audits, access to minutes, contracts, accounts, financial statements.

Provisions allowing appeal of school board decisions and providing for a poll/vote for specific purposes, e.g., additional programs, increased spending, were regarded as supportive. They allowed a degree of community control between elections. Traditionally community control has been limited to voting school board members in or out of office.

Reliability

A summary of supportive provisions was prepared for each province. These summaries described sections of the statutes deemed supportive of school-community involvement. They did not necessarily contain direct quotes from the

statutes. To increase the reliability of the study, the provincial summaries were forwarded to the respective deputy-ministers of education. A covering letter (appendix B) explained the purpose of the study and requested the deputy-minister to indicate whether he agreed with the supportive provisions, to add supportive provisions which might have been omitted and to clarify certain points. A brief outline describing the indicators of school-community involvement (appendix C) was included.

All deputy-ministers responded and agreed with the summary of supportive provisions (appendix D). Six provinces made suggestions for additions. These were given careful consideration and were accepted in most cases.

Definition of Descriptive Terms

To describe support for school-community involvement in a meaningful way required standardized use of descriptive terms. The terms used to describe support were defined as follows:

Unqualified support meant statutory support for an aspect of community involvement without restrictions or assumptions.

Qualified support referred to statutory support for an aspect of community involvement but with restrictions. There were three categories of restrictions:

1. Conditional support meant statutory support for

an aspect of community involvement but at the discretion of the school, school board or the minister of education.

2. Indirect support referred to statutory support for an aspect of community involvement where the community would be indirectly involved through public administrations. An example would be provision for a school board to deal with a municipality.

3. Limited support meant statutory support for an aspect of community involvement but limited to specified matters, or persons. For instance, adaptation of the regular program might be limited to religious instruction.

Assumed support referred to statutory support for an aspect of community involvement when it might be assumed that community involvement would take place. An example would be provisions allowing a school board to introduce locally developed programs.

Methodology of Description

Statutory support for aspects of school-community involvement in each province has been described on the basis of the summaries of supportive provisions, modified as suggested in some cases, and utilizing the descriptive terms outlined above. These descriptions were then synthesized to describe provincial statutory support for each aspect of school-community involvement across Canada.

Provisions in statutes are written in the present tense because they apply on a continuing basis. To keep as closely to the original text as possible, the same tense has been employed in the description of supportive provisions.

During the survey and the description of the findings it became clear that words and phrases commonly found in the different provincial acts (such as urban, rural, section, region, area) had different legal meanings from one province to another. The wording of the statutes has been maintained but it is advisable to keep the provincial context in mind when perusing the findings.

The description of the findings is supported by references to legal sources. Citation of legal references follows a different form than those in other fields. As there is no uniform or official method for legal citation in Canada (McGill, 1973), it was decided to use McGill University's Citation Guide (1973).

A feature of legal reference is the use of abbreviations for names of government documents. For the sake of clarity these abbreviations were not used in legal references in this paper. For instance R.S.O. was written as Revised Statutes Ontario.

The legal references have been collected as footnotes at the end of each provincial section in the chapter Provincial Statutory Support for School-Community Involvement,

and at the end of the chapter Statutory Support of School -
Community Involvement in Canada.

CHAPTER IV

PROVINCIAL STATUTORY SUPPORT FOR SCHOOL-COMMUNITY INVOLVEMENT

Introduction

This chapter will deal with the question "What is the statutory support for the aspects of school-community involvement in public elementary and secondary schools in each province?" For each province, supportive provisions in the areas of Facilities, Program and Governance are described followed by comments on the nature of the support.

Because the study originated in the east, it was decided as a matter of courtesy, to arrange the descriptions of provincial support from west to east, starting with British Columbia and ending with Newfoundland.

Statutory Support in British Columbia

Elementary and secondary education in the province of British Columbia is governed by The School Act¹. The Act as it appeared in the Revised Statutes British Columbia 1979 and its subsequent amendments, up to and including August 22, 1980, were studied. August 22, 1980 was the date on which the session of the British Columbia legislature was adjourned. The School Act consists of eleven parts and contains 273 sections.

Following are the supportive provisions found in the area of Facilities:

The school board may permit the use of its school buses by other organizations for the purposes of a recreation program.² The school board may enter an agreement with municipalities for the purpose of construction, maintenance, operation and joint use of facilities for community use.³

The first provision allows the school board to have dealings with, presumably, community organizations. Support for community involvement is considered to be conditional, limited to school buses, and assumed.

The last provision concerns dealings with municipalities for the benefit of the community. The involvement of the community would be indirect. Its representatives on the board and on municipal council are the ones who are directly involved. Support is judged to

be conditional and indirect.

Support was found in the area of Program for Adaptation of Regular Program and Adult Education.

Adaptation of Regular Program

A school board may authorize courses of study designed to meet local occupational or other needs.⁴

Adult Education

Part time and full time education programs may be established and maintained by school boards for persons over the age of 15 years. These programs may be the regular courses of study prescribed by the minister for public schools, in which case they are free. Or they may be courses in agricultural, commercial, technical, vocational or any other subjects, in which case tuition fees may be charged.⁵

The provision for Adaptation of Regular Programs to local needs is a clear indication of support for school-community involvement. There is also broad support for adult education programs. These programs are free for those following the regular, i.e., academic, program. Both provisions are permissive and therefore support is deemed to be conditional.

Supportive provisions occurred in the area of Governance for Information to the Public, Advisory Committee

and Community Control.

Information to the Public

Notice of a capital expenditure proposal by the school board shall be published in a locally distributed newspaper.⁶

The minister may require school boards to make available to the property owners detailed statements regarding the relationship between grants, operating and capital expenditures, and the mill rate.⁷

Where annual meetings are held, usually for the election of trustees in rural school districts, the district school board shall report on the operation of the schools, give a statement of the educational affairs, and exhibit the latest financial audit.⁸

Advisory Committee

A school board shall appoint one or more advisory committees where a vocational course is established.⁹

Community Control

A resident of a school district or any other person can apply to the courts to have a recently passed school board by-law, relating to borrowings for capital expenditures, quashed for illegality.¹⁰

An elector¹¹ may object in writing to the auditor in respect of any matter relating to the audit of the school board's financial affairs. The auditor shall notify the elector regarding the time and place for dealing with the objections.¹²

The provisions for Information to the Public are varied. There are two mandatory provisions. They concern information on a capital expenditure proposal, and information to rural school electors on the operation of the school. Both provisions are considered to be limited; in the first case to financial matters, and in the second case to rural electors.

The provision giving the minister the power to require a school board to explain to property owners, how they arrive at the taxation rate, is permissive. Support is deemed to be conditional and limited to financial matters.

The Advisory Committee provision supports involvement. But as the committee is appointed the community may not necessarily be represented. Support may be assumed, and is considered to be limited to vocational training.

The last two provisions give community members a measure of control over school board affairs between school board elections. In both cases support is deemed to be limited to specified matters and, in the latter case, to electors.

Conclusion

On the basis of the legislation reviewed, qualified support for school-community involvement occurred in

British Columbia in the area of Facilities; in the area of Program for Adaptation of Regular Program and Adult Education; in the area of Governance for Information to the Public, Advisory Committee and Community Control.

The provisions for Adaptation of Regular Program and Adult Education give school boards ample opportunity to engage in these aspects of Program. It is interesting to note that any person can apply to the courts to have a by-law, relating to specified financial matters, quashed. This would mean that any person (Canadian or non-Canadian) can take action and that the judiciary (not the government) would have the final say. This provision gives the community indeed a measure of control.

Footnotes

¹The School Act, Revised Statutes British Columbia 1979, Chapter 375 as amended by Statutes British Columbia 1980, Chapters 2, 20.

²Ibid., section 157.(1)(g).

³Ibid., section 168.(4), (5).

⁴Ibid., section 160.(e).

⁵Ibid., section 160.(c), (d), (g).

⁶Ibid., section 215.(4).

⁷Ibid., section 199.(3).

⁸Ibid., sections 34.(2), 88.

⁹Ibid., section 163.

¹⁰Ibid., section 220.

¹¹Elector is a person 19 years of age, who is a Canadian citizen or British subject, resident in Canada for 12 months, and in the province for 6 months (for the city of Vancouver: resident since January 1 of the current year), and who has no legal incapacity. Municipal Act, Revised Statutes British Columbia 1979, Chapter 290, section 35. Vancouver Charter (consolidated for convenience), Revised Statutes British Columbia 1979, Vol.6, section 9.

¹²The School Act, section 252.(1).

Statutory Support in Alberta

Elementary and secondary public education in the province of Alberta is governed by The School Act¹.

The School Act, as it appeared in the Revised Statutes 1970, and its subsequent amendments, up to and including November 27, 1980, were studied. This day was the date on which the session of the legislature was adjourned. The School Act consists of 9 parts and contains 174 sections.

There was one supportive provision in the area of Facilities.

A school board may enter into agreements with other boards, persons or municipalities for joint construction, ownership, operation or use of public works or buildings.²

This provision is permissive. Support is not judged to be indirect because persons as well as public administrations may be involved. Involvement of the community is not spelled out, but it may be assumed. Support, then, is considered to be conditional and assumed.

Supportive provisions in the area of Program occurred for Adaptation of Regular Program, Additional Activities for Youth, Adult Education and Delivery/Coordination of Community Services.

Adaptation of Regular Program

A board may authorize that French, or any other language, be used as a language of instruction in addition to English.³ Moreover, instruction in French or any other language may be given to all pupils whose parents so desire. This instruction should not interfere with the program of studies prescribed by the minister of education.⁴

Additional Activities for Youth/Adult Education

Courses of study may be established, by school boards, for any person or any subject, before and after regular school hours.⁵ Any adult may be admitted as a pupil by the school boards to its schools, during regular school hours.⁶

Delivery/Coordination of Community Services

A school board may enter into agreement with a municipality concerning the promotion and development of recreation and community services.⁷

The provisions for Adaptation of Program to local needs are permissive and limited to language. Support is considered to be conditional and limited.

The permissive provisions for Additional Activities for Youth and Adult Education show broad support. Support for both aspects is deemed to be conditional.

The last provision is permissive and allows the school board to deal with another elected body: the municipal council. Support may be seen as conditional and indirect.

Supportive provisions in the area of Governance were found for Information to the Public, Advisory Committee and Community Control.

Information to the Public

The city district school board may, and all other school boards shall hold an annual meeting of electors⁸ for the discussion of the board's affairs.⁹

Public notice has to be given of a board's proposal to erect or purchase a school building not used for pupil instruction and accommodation, and of the passing of a bylaw for borrowings, exceeding a specified amount.¹⁰

Advisory Committee

When school districts are consolidated into a school division the school boards of those districts will become local advisory boards.¹¹ These advisory boards are also established upon petition of three electors and a subsequent electoral vote. The minister of education determines the number of advisors. Their election is governed by The School Election Act¹². Where a local advisory board requests instruction in French, or religious instruction, the school board shall institute the requested instruction, as soon as possible. The advisory board may advise on the appointment of a teacher. Dissolution of an advisory board occurs upon petition by electors and a subsequent electoral vote.¹³

Community Control

A petition to a board shall be filed with the school board's secretary, who will determine if the number of petitioners is sufficient, according to the law. Petitioners may appeal the secretary's decision to a judge.¹⁴

A school board shall call a public meeting when petitioned by a specified number of parents, or electors. The meeting shall be attended by the board's representatives. A committee of four electors may be elected at that meeting to study the area of concern. The school board has to name two representatives to that committee. The school board shall hold a meeting where the committee can present its recommendations.¹⁵

In addition, school boards have to conduct an electoral vote, when petitioned by a specified number of electors, on purchase or erection of school buildings not to be used for instruction or accommodation of pupils, and on school board borrowings, exceeding a specified amount.¹⁶

A separate (Protestant or Roman Catholic) school district shall be established when petitioned for by three electors of the indicated religious faith and a subsequent majority vote of electors of the same faith, present at a meeting called for that purpose. A plebiscite, to determine whether a separate school board will be dissolved, shall be conducted when requested by 25% of that school board's electors.¹⁷

The provisions for annual meetings show an interesting split. Some school boards may, other school boards shall hold an annual meeting. Support is considered to be conditional for urban districts, and limited to electors for all districts.

Provisions for notice to the public, and an electoral vote upon petition, regarding specific financial proposals are limited to the specified financial matters, and to the electors, in the case of petitions. Support, therefore, is deemed to be limited.

The provisions for local advisory boards are supportive of the Advisory Committee aspect. The community decides on the board's establishment and dissolution. The powers of the advisory boards are considerable. They can adapt the curriculum to French language and religious needs of the community. Support is considered to be limited, because electors are the only community members involved.

Provisions under Community Control, where parents and electors can petition for a public meeting and where school boards have to cooperate in the establishment and operation of ad-hoc committees, show a great deal of support. Although the combination of parents and electors allows involvement by more community members, non-Canadians without children in the schools are excluded. Support therefore is considered limited.

The last set of provisions allows community members control over the establishment and dissolution of separate school boards. Support is considered to be limited to electors.

Conclusion

On the basis of the legislation reviewed, opportunities for school-community involvement in the province of Alberta occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program, Additional Activities for Youth, Adult Education and Delivery/Coordination of Community Services; in the area of Governance for Information to the Public, Advisory Committee and Community Control. All support was considered to be qualified.

Certain provisions in the School Act deserve special attention. They occurred in the area of Governance. Firstly, the powers of the local advisory board were not limited to advice. If it requested instruction in French or religion, the school board was required to provide such instruction.

Secondly, allowing the use of petitions by, in most cases, electors, gave members of the community the opportunity to have a say in school board matters. At the same time school boards were, in most cases, protected from small

power groups by requirements for a specified number of petitioners.

In addition, the provisions for formation of local advisory boards and ad-hoc committees allowed members of the community to decide whether formal structures for community input should be established. The school boards had no control over the formation of these boards and committees. It would seem that the above provisions would meet with the approval of the CEA Task Force (1979). Its report concluded that structures for public involvement in educational decisions should not be established until a specific need and a willingness to participate were identified.

Footnotes

¹The School Act, Revised Statutes Alberta 1970, chapter 329, as amended by the Statutes Alberta 1971, chapters 1, 100; 1972, chapter 84; 1973, chapters 33, 53; 1974, chapter 57; 1975, chapter 78; 1976, chapter 64; 1977, chapter 42; 1978, chapters 12, 51, 73; 1979, chapter 68.

²Ibid., section 92.(1).

³Ibid., section 150.(1).

⁴Ibid., section 150.(3),(4). N.B. Instruction in French refers to teaching the French language, whereas French as language of instruction means that courses of study are taught in French.

⁵Ibid., section 155.(1).

⁶Ibid., section 133.(3).

⁷Ibid., section 65.(4)(h).

⁸Electors are Canadian citizens, 18 years of age or over, residents of Alberta for at least 6 months. Ibid., section 2(e).

⁹Ibid., section 40.

¹⁰Ibid., sections 6, 96.(1), 102.(3).

¹¹Ibid., section 16.

¹²Ibid., section 27.

¹³Ibid., sections 28, 29(1).

¹⁴Ibid., section 4.

¹⁵Ibid., section 5.

¹⁶Ibid., sections 96, 104.

¹⁷Ibid., sections 50, 51, 55, 56.

Statutory Support in Saskatchewan

Elementary and secondary public education in the province of Saskatchewan is governed by The Education Act¹. The Act, as it appeared in the Revised Statutes Saskatchewan 1978, and subsequent amendments to the Act, up to and including June 17, 1980, were studied. June 17, 1980 was the date on which the session of the legislature of the province of Saskatchewan was adjourned. The Education Act consists of 8 parts and contains 377 sections.

Supportive provisions were found in the area of Facilities.

A board of education (regional school board) shall control the uses, in addition to the regular school program, to which school buildings and other facilities may be put during school and out-of-school hours.²

A board of trustees (local school board) shall carry out those matters delegated to it by the board of education. These may include the use of school facilities for community purposes.³

A board of education may enter into agreements with other boards, persons or municipalities for the purpose of joint construction, ownership, operation or use of public facilities.⁴ It may also in the interest of community planning enter into agreement with a municipality for sale, transfer or exchange of their respective property.⁵

The combination of the first two provisions shows support for the use by the community of school facilities. Usage is subject to school board approval. Support therefore is considered to be conditional.

The last two provisions allow the boards to deal with persons and public administrations. Overall, support is conditional.

Supportive provisions in the area of Program occurred for Adaptation of Regular Program, Additional Activities for Youth and Use of Community Resources.

Adaptation of Regular Program

A board of education may with the approval of the minister authorize the implementation of a locally developed course of study. Such a course may be recognized for credit purposes.⁶

English will be the language of instruction in schools. A board of education may authorize religious instruction and the use of a language other than English as the language of instruction.⁷

A board of education may, with the approval of the minister of education, keep schools in operation during the spring vacation, if such action is necessary to maintain a satisfactory schedule of opening and closing dates of schools.⁸

Additional Activities for Youth

The minister of education may authorize the board of education to conduct classes or other educational activities outside regular school hours.⁹

Use of Community Resources

A board of education may enter into agreements with agencies and individuals in the community that provide specialized services related to the health and welfare of pupils, for the purpose of maximum rationalization and coordination of such services for the enhancement of the benefits thereof to the pupils.¹⁰

The provisions for Adaptation of the Regular Program are permissive. Support is therefore considered to be conditional. Community involvement is assumed for the first provision. Adaptation is limited to language and religious instruction, and school closing dates for the other provisions.

The support for Additional Activities for Youth is broad. It is dependent on the minister's decision. Support therefore is considered to be conditional.

The permissive provisions for Use of Community Resources show considerable support for this aspect. Use is dependent on the school board's decision. Support therefore is considered to be conditional.

Supportive provisions in the area of Governance, were found for Information to the Public, Advisory Committee and Community Control.

Information to the Public

A board of education shall annually convene a meeting of electors.¹¹ The order of business at this meeting shall be determined by the board of education after consultation with the board of trustees or local school advisory boards.¹² A special meeting of electors may be held at any time for any purpose and it shall be called when at least 25 electors request it.¹³

A board of education shall conduct a review and evaluation of educational services at a meeting of electors where there is no school, when a school closing seems imminent, or when maintenance of satisfactory standards of educational services appears to be in doubt.¹⁴

A board of education shall publish in a locally distributed newspaper a notice of its intent to borrow money. Electors may make personal or written representations with respect to the proposed borrowing.¹⁵

A board of education may provide for such meetings, seminars and conventions for, among others, electors, as may be considered advisable for educational planning and development.¹⁶

A board of trustees shall inform the electors about schedules of meetings, procedures for submissions and recommendations, and channels of communication. In addition it

shall convene at least one annual general meeting of electors for the purpose of reviewing the progress of education and educational services available to residents of the school district and for discussing matters of interest and concern to the electors with respect to future development of educational services.¹⁷

The director (board employee) shall provide educational leadership and liaison involving the board, the professional staff and the public pertaining to the efficiency and advancement of education in the district.¹⁸

The principal shall exercise leadership, in cooperation with the director and the board, in the promotion of public involvement in educational planning directed toward the improvement of education.¹⁹

Advisory Committee

A board of education may establish a local school advisory committee where there are no boards of trustees, or at the request of electors. This committee shall act in an advisory capacity to the board of education. Procedures for establishment, composition and terms of reference of the advisory committee may be prescribed in the by-laws of the board of education. Its duties may include liaison with teaching staff, studies of the educational objectives and programs in relation to the aspirations of the community, promotion of school-community and parent-teacher communications, participation with the board of education in

planning and development of educational services, participation in special projects, experiments and innovative practices sponsored or approved by the board of education, and making recommendations with respect to selection and placement of teaching staff.²⁰

Community Control.

The local advisory committee must be consulted on proposed school closures.²¹

Any three electors, Protestant or Catholic, may petition for the establishment of a separate school division. A subsequent vote of electors of the appropriate faith determines the establishment.²²

When a school district is newly established, electors have to be consulted by the board of education to determine whether the district shall be divided in sub-districts.²³

A board of education's by-law permitting the borrowing of money shall be submitted to a vote of electors, if ordered by the Local Government Board, and if, with certain exceptions, petitioned for by at least 25% of electors, and if the board of education deems it advisable.²⁴

Any elector may bring court action if moneys in the sinking fund account have been divested to other expenditures, and the board of education refuses or neglects to take action.²⁵

The provisions for the Information to the Public aspect are mostly mandatory. Only one provision is

permissive. Application of the provisions should result in an extremely well informed electorate. Support for this aspect is limited to electors, except for the provisions relating to the exercise of leadership in the promotion of public involvement. They can be regarded as giving unqualified support to community involvement in the improvement of education.

Provisions for the establishment of an Advisory Committee are permissive. Its mandate will be prescribed by the board of education. Support for this aspect is considered to be conditional.

Provisions for Community Control are varied. They provide for consultation on school closure and division of newly established districts; votes in respect of establishment of separate school boards and specified borrowings of funds; appeal to the courts on specified financial matters. All provisions are limited to specific subjects. Support is therefore seen as limited.

Conclusion

On the basis of the legislation reviewed, qualified statutory support in the province of Saskatchewan occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program, Additional Activities for Youth and Use of Community Resources; in the area of

Governance for Information to the Public, Advisory Committee and Community Control. The provisions requiring board employees (director, principal) to provide leadership in promoting involvement of the public toward the improvement of education were regarded as unqualified support. It demonstrated the Saskatchewan legislature's belief in the value of community involvement in the area of Governance. It should be noted that adult education in Saskatchewan is provided for in the Community Colleges Act²⁶. Community colleges fell outside the scope of this survey, however.

There was a similarity in provisions between Alberta and Saskatchewan. This might be attributable to the fact that educational services were organized federally in these regions before they achieved provincial status in 1905 (OECD, 1976).

The mandatory provisions for Information to the Public were extensive. They gave adult Canadian residents of the community (electors) ample opportunity to be informed on the school board's operations.

Footnotes

¹The Education Act, Revised Statutes Saskatchewan 1978, chapter E-0.1 as amended by Statutes Saskatchewan 1979, chapters 22, 69; 1979-80, chapters 60, M-32.01.

²Ibid., section 91.(w).

³Ibid., section 136.(j)(v).

⁴Ibid., section 347.-(2).

⁵Ibid., section 350.-(4).

⁶Ibid., sections 10.-(1)(k), 176.-(2).

⁷Ibid., sections 180.-(2), 181.-(1).

⁸Ibid., section 167.-(2).

⁹Ibid., section 165.-(2).

¹⁰Ibid., section 190.

¹¹Electors are Canadian citizens, 18 years of age and over, resident in the area for at least six months. Ibid., section 2.(o).

¹²Ibid., section 101.-(1),(3).

¹³Ibid., section 102.-(1),(2).

¹⁴Ibid., section 103.

¹⁵Ibid., section 316.-(2).

¹⁶Ibid., section 92.(1).

¹⁷Ibid., section 136(a),(b).

¹⁸Ibid., section 108.(d).

¹⁹Ibid., section 175.(o).

²⁰Ibid., sections 137-142.

²¹Ibid., section 92.(u).

²²Ibid., section 22.

²³Ibid., section 125.

²⁴Ibid., section 319.

²⁵Ibid., section 343.

²⁶Community Colleges Act, Revised Statutes Saskatchewan
1978, chapter C 19.

Statutory Support in Manitoba

Elementary and secondary public education in the province of Manitoba is governed by The Public Schools Act¹. The Act as it appeared in the Statutes Manitoba 1980 was studied. The Act was assented to July 29, 1980. This date was the day of adjournment for the Manitoba legislature. The Public Schools Act consists of 8 parts and contains 200 sections.

Supportive provisions were found in the area of Facilities.

A school board may permit the use of any of its property by any person with or without a fee. It may also enter into agreements with a municipality for the purpose of construction, maintenance and joint use of recreational and other facilities.²

Both these provisions are considered to be conditional and, in the case of the latter, indirect, because the school board would not be dealing with the community directly.

Supportive provisions in the area of Program occurred for Adaptation of Regular Program, Additional Activities for Youth, Adult Education and Use of Community Resources.

Adaptation of Regular Program

1 French and English are the languages of instruction. Where there is a sufficient number of pupils whose parents desire them to be instructed in English or French, as the case may be, the school board may, and upon petition of parents of a specified number of pupils (enough to form a class) shall, provide for English or French as the language of instruction. If there is an insufficient number of pupils, the minister of education may require the school board to make other arrangements.³

A school board may authorize the use of a language other than English or French in any school during periods set aside for religious or foreign language instruction, and before and after school hours. This other language may be used, subject to regulation, as a language of instruction for transitional purposes or pilot courses.⁴

A school board may authorize instruction in religion. It shall be offered when petitioned for by the parents of a specified number of students (ten to twenty-five).⁵

The school board may also enter into agreement with the minister of education to establish and conduct special courses whether or not such courses are part of the public school program.⁶

Adult Education

School boards may establish and conduct day or evening classes for adults.⁷

Use of Community Resources

A school board may spend moneys raised for school purposes for extending courtesies or providing tributes and recognition to any person, and for sponsoring or participating in activities in cooperation with educational organizations, and for making grants to or becoming members of such organizations of an educational or related nature as the school board may determine.⁸

Provisions supporting Adaptation of Regular Program to reflect the community, are varied. Establishment of instruction in French or English, and religion, is mandatory under certain circumstances. Support is considered to be limited to specified subjects. Provisions for special courses and use of another language than French or English are permissive and support therefore can be regarded as conditional and limited to specified subjects. Overall, there seems to be recognition of the diversity of the community, and an attempt to accommodate this diversity.

Provisions for Additional Activities for Youth are found in the provisions for foreign language instruction before and after school hours. Support for this aspect is deemed to be conditional and limited to a specific subject.

Adult Education provisions are broad but establishment of programs is at the discretion of the school board. Support is therefore considered to be conditional.

Provisions for Use of Community Resources are permissive. Because the persons and organizations concerned may not necessarily belong to the community, support is deemed to be conditional and assumed.

Supportive provisions in the area of Governance were found for Advisory Committee and Community Control.

Advisory Committee

Schools in the Northern School Division are administered by a government appointed official trustee. The minister of education may appoint a local advisory committee to assist the official trustee.⁹

Community Control

Parents can petition for religious exercises, religious instruction and instruction in French or English. If certain requirements are met, the petition shall be granted.¹⁰

Upon request of a specified number of resident electors¹¹ (or adult residents in unorganized areas with fewer than 10 resident electors) for establishment or alteration of school divisions or school districts, the minister of education shall refer the request to the board of reference to decide the matter. The minister may also refer the matter on his own initiative. The reference board may decide on a vote of resident electors. The decisions of the reference board may be appealed to the courts by resident electors

or, under the circumstances specified above, by adult residents.¹²

When considering alteration of wards and number of trustees, a school board shall consider special geographic conditions and any special diversity or community of interest of the inhabitants of the area. Wards or the number of trustees may be altered, on the school board's initiative or on petition by ten or more resident electors, by school board by-law. Before approving such a by-law the minister of education may institute a referendum of resident electors. Resident electors may appeal such a by-law to the minister of education.¹³

Assent of electors is not required for school boards borrowing money or issuing debentures, except when the minister of education so decides.¹⁴

The provision for Advisory Committee is permissive and restricted to a geographical area. Support is judged to be conditional and limited.

Provisions for Community Control allow parents to have some say in curriculum matters. Support is regarded as limited to involvement of parents in the subjects of language and religion.

In addition, changes to the geographical or administrative structure of school divisions, districts or boards may occur on petition by, in most cases, resident electors. Decisions on these matters may be appealed to the

courts. As petitions and appeals may occur between elections, these provisions are supportive but limited to community involvement of resident electors and the specified changes.

The support for community control of financial matters is considered to be conditional on the minister's decision and limited to electors, and borrowings and issuing of debentures.

Conclusion

On the basis of the legislation reviewed, qualified statutory support for school-community involvement in the province of Manitoba occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program, Additional Activities for Youth, Adult Education and Use of Community Resources; and in the area of Governance for Advisory Committee and Community Control.

Sensitivity to the community's needs was demonstrated in several ways. Provisions allowing parents a say in selected curriculum matters and allowing for the use of a language other than the official languages, showed awareness of the possible diversity of the community.

This awareness was also shown in provisions relating to specified changes in the geographical and administrative structure of school boards, which required a school board

to take the diversity or community of interest of residents into account, and which allowed community members a say in these matters.

Provisions, allowing adult residents (in the context non-Canadians) a say, under specified conditions, in the formation or alteration of school areas, underscored the Manitoba legislature's recognition of the plurality of the population.

Footnotes

¹The Public Schools Act, Statutes Manitoba 1980, chapter 33-Cap. P 250.

²Ibid., sections 73, 48(1)(g).

³Ibid., section 79(1), (3), (4).

⁴Ibid., section 79(2).

⁵Ibid., section 80(1), (2).

⁶Ibid., section 48(1)(e).

⁷Ibid., section 48(1)(b), (d).

⁸Ibid., section 48(2).

⁹Ibid., section 17(2).

¹⁰Ibid., sections 79(1), (3), (4), 80(1), (2), 84(8).

¹¹Electors are Canadian citizens, including British subjects, 18 years of age or over, resident for at least 12 months. The Local Authorities Election Act, Revised Statutes Manitoba 1970, chapter E 30, as amended by Statutes Manitoba 1970, chapter 105; 1971, chapter 30; 1976, chapter 69; 1977, chapters 57, 59; 1978, chapter 49.

¹²The Public Schools Act, sections 5(1), (2), (4), 9(11).

¹³*Ibid.*, sections 57(1), (5), (8), 58(1).

¹⁴*Ibid.*, section 213(5), (6), (7), (8).

Statutory Support in Ontario

Elementary and secondary education in the province of Ontario is governed by The Education Act, 1974¹. The Act, as it appeared in the Statutes Ontario 1974, and its subsequent amendments, up to and including December 12, 1980, were studied. This day was the date on which the session of the legislature was adjourned. The Education Act consists of 12 parts and contains 274 sections.

Supportive provisions were found in the area of Facilities.

A school board may permit the school buildings and premises, and school buses owned by the board to be used for any educational or other purpose.²

A school board may enter into agreement with a municipal council for the purpose of using their existing facilities, or establishing, maintaining and operating facilities of any of the parties to the agreement for cultural, recreational, athletic, educational, administrative or other community purposes.³

The provisions in this area are permissive. The community will be indirectly involved, through municipal council, in the latter provision. Support then is considered to be conditional, and in the latter case, also indirect.

Supportive provisions occurred in the area of Program for Adaptation of Regular Program, Additional Activities for Youth, Adult Education and Use of Community Resources.

Adaptation of Regular Program

The minister of education may permit a school board to establish, for English speaking pupils, programs involving varying degrees of French as the language of instruction.⁴

A school board may establish and maintain elementary and secondary schools or classes, for French speaking pupils, for the purpose of the use of French as the language of instruction. It shall provide for the use of French in instruction, upon written request, and if there are enough French speaking pupils to form a class. In the case of secondary education, if there is an insufficient number of pupils to form a class, the school board shall consider entering into agreement with another board.⁵

The minister may authorize the board to vary school terms or holidays.⁶

Additional Activities for Youth

A board may operate the school ground as a park or play ground and rink, or organize gymnasium classes for pupils or others in the school, during the school year or vacation period, provided the normal operation of the school is not interfered with.⁷

A board may also provide, during the school year, or at other times, activities and programs on or off school premises.⁸

Adult Education

A school board may conduct free lectures open to the public, and establish evening classes.⁹ A person is entitled to enrol in a course of study in an evening class, if he is considered competent to take the course. This enrolment does not entitle him to be admitted to a day course.¹⁰ This provision does not apply to vocational training where an adult, considered competent to receive instruction, may be admitted to day or evening courses, regardless of his school standing.¹¹

Use of Community Resources

A school board may permit a principal to assign duties, as approved by the school board, to volunteers, who serve without remuneration. These volunteers may be insured by the board against accidents involving pupils.¹²

Provisions for Adaptation of Regular Program deal mainly with the French language as language of instruction. English community access to French language instruction is left to the discretion of the minister of education. French speaking members of the community will receive French language instruction, where numbers warrant it.

The supportive provisions for French language instruction are deemed to be limited to the specified subject and persons. In addition, in the case of English speakers, support is considered conditional on the minister's approval.

It may be assumed that school terms and holidays will be changed because of conditions in the community. Support for this provision is considered to be conditional and assumed.

The permissive provisions for Additional Activities for Youth and Adult Education are extensive. Support is considered to be conditional on the school board's decisions.

The last provision allows the Use of Community Resources in the shape of volunteers. Support is considered to be conditional and limited to unpaid volunteers.

Supportive provisions in the area of Governance occurred for Information to the Public, Advisory Committee and Community Control.

Information to the Public

A Roman Catholic separate school board shall publish in a locally distributed newspaper notice of the passing of a by-law respecting borrowing for permanent improvement.¹³ A district school area board (remote area) and a Protestant separate school board shall post notice of a resolution requiring the approval of the electors.¹⁴

A rural Roman Catholic separate school board shall present its audited financial statement and its annual report at the annual meeting of separate school supporters.¹⁵

Advisory Committee

A board of education, a county or district combined separate school board, or the

Metropolitan Separate School Board may establish a school board advisory committee. Its composition is defined in the Act. It encompasses administrators, teachers, residents and parents. In the case of separate school boards, a church representative is included. The advisory committee may make reports and recommendations on any educational matter pertaining to the schools, with the exception of personnel policy and practices. Its reports have to be considered by the board, and its expenditures will be paid by the board, subject to approval.¹⁶

A secondary school board, providing vocational courses, may appoint an advisory committee. Its members may be school board members.¹⁷

A school board shall establish a minority language advisory committee, English or French as the case may be, when it establishes, extends, or decides to establish, or is requested to establish or extend, a class, group or program in a secondary school, in which the minority language is, or is to be, used in instructing pupils. This committee shall consist of three board appointed members and six publicly elected minority language electors. Members, who are not board members, will receive an allowance.¹⁸ The committee's duties also apply to elementary schools. The duties are developing proposals designed to meet the educational and cultural needs of the minority language pupils and community, and making

recommendations in the areas of facilities, program, personnel, transportation and administration.¹⁹ The board shall seek the advice of the committee on all matters concerning the establishment, program, administration and termination of minority language instructional units. The board cannot refuse approval of recommendations, without a proper hearing. Reasons for refusal shall be given in writing. The committee may appeal the board's decision to the Language of Instruction Commission.²⁰

Community Control

Formation, alteration or discontinuance of separate school boards, Roman Catholic or Protestant as the case may be, shall take place after a vote at a public meeting of separate school board supporters, convened by five to ten separate school supporters.²¹

Changes in the election of separate school boards and of district school area boards can only take place with the approval of their respective electors.²²

Subject to specified conditions, separate schools may be established in a portion of a rural section for Roman Catholics upon petition, or in municipalities, for Protestants upon written application, by separate school supporters to the supervisory officer of separate schools.²³

Where an auditor has not been appointed for a rural Roman Catholic separate school board,

or a Protestant separate school board, five separate school supporters may request the minister of education in writing to appoint one.²⁴

Any two electors may call a meeting to elect school board members where a district school area board (remote area) is composed of three members and vacancies occur, so that only one or none remain.²⁵

A special meeting of district school area electors shall be called, upon the request in writing of five electors.²⁶

Borrowing money for permanent improvements by separate school boards or district school area boards needs the tacit or active approval of the electors. Roman Catholic separate school boards only need tacit approval. It is obtained when, after publication of the by-law, no application to quash the by-law has been made.²⁷

A separate school supporter may appeal to a judge respecting the decision of the supervisory officer regarding the school zone boundaries.²⁸

Challenges respecting the validity of any proceeding with respect to formation, alteration or dissolution of school boards may be made to a judge.²⁹

The provisions for Information to the Public concern separate school board supporters, and persons living in remote areas. Support is deemed to be limited to specified matters and specified groups.

The provisions for Advisory Committee are varied. The school board advisory committee, established at the discretion of the board, comes closest to the concept of a local advisory committee. Not only parents, but residents will be involved. Because the provisions are permissive, support is considered to be conditional.

The other advisory committees are limited to specified subjects: vocational training and minority language instruction. In the case of the vocational advisory committee, the support is deemed to be conditional and it may be assumed that community members might be involved.

The provisions for the minority language advisory committee are mandatory. The committee's membership includes community representatives. Support is deemed to be limited to minority language. It should be noted that the committee is to be established where the minority language will be offered in a secondary school. The committee's duties however, also apply to elementary schools. Overall, there is qualified support for the Advisory Committee aspect.

The provisions for Community Control show sensitivity towards separate school board supporters, and persons living in remote areas. Separate school board supporters in a community have control over formation, alteration and discontinuance of their school boards. Their approval is needed for changes in the election of their

school boards, and for specified borrowings. They can request appointment of an auditor under certain circumstances, and they can appeal decisions on school zone boundaries to the courts.

Electors in remote areas have control over changes in the election of their school board, and over specified borrowings. They are allowed to call meetings to elect trustees, under certain circumstances. Special meetings will be called if they so desire.

The provision allowing court challenges respecting formation, alteration or dissolution of school boards gives community members a measure of control.

Support for Community Control seems to be mainly focused on those who might be considered at a disadvantage (separate school board supporters and electors living in remote areas). All support for this aspect is considered to be limited to specified matters and specified groups.

Conclusion

On the basis of the legislation reviewed, qualified statutory support for school-community involvement in the province of Ontario occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program, Additional Activities for Youth, Adult Education and Use of Community Resources; in the area of Governance for

Information to the Public, Advisory Committee and Community Control.

The supportive provisions for Community Control dealt mainly with separate school board supporters and residents of remote areas. In the letter to the Deputy Minister of Education, summarizing supportive provisions, the question was asked, whether provisions for public school supporters in respect of community control were basically the same, but contained in another act. The answer was "there is no separate legislation governing provisions for community control for different school boards. The provisions are basically the same for separate and public school boards throughout the province." (Appendix D - Ontario). It may then be assumed that support for community control by public school supporters does exist, but that it is not formalized in The Education Act.

It should be noted that provisions existed for local advisory committees for special education. However, it was not the intent of the study to include schooling for mentally and physically handicapped. The provisions were therefore not included in this survey.

The provisions for the school board and minority language advisory committees deserve special attention. The make-up of both committees suggested a genuine desire to involve the community. The school board advisory committee included not only parents, but also residents.

The minority language advisory committee would have publicly elected minority language residents as its members. The recommendations of both committees could not be ignored by the school board. The fact that establishment of the minority language advisory committee is mandatory, and that it has the right to appeal school board decisions, makes it an influential force in the administration of minority language education.

Footnotes

¹The Education Act 1974, Statutes Ontario 1974, chapter 109, as amended by Statutes Ontario 1975, chapter 77; 1976 chapter 50; 1978, chapters 44, 87; 1979, chapter 99; 1980, chapter 61.

²Ibid., section 147(1) 22.

³Ibid., section 157.-(2).

⁴Ibid., section 8.-(1)(x).

⁵Ibid., section 252, 255.

⁶Ibid., section 10.-(6)(b), (c).

⁷Ibid., sections 147.-(1) 9, 147.-(1) 10.

⁸Ibid, section 147(1) 26.

⁹Ibid., section 147(1) 28, 31.

¹⁰Ibid., section 40(5).

¹¹Ibid., section 149.-(1), (4).

¹²Ibid., sections 146(8), 147.-(1)3.

¹³Ibid., section 131.-(7).

¹⁴Ibid., sections 63.-(2), 143. Electors are Canadian citizens or other British subjects, 18 years of age or over, resident in the area. The Municipal Elections Act, 1977, Statutes Ontario 1977, chapter 62, as amended by Statutes Ontario 1978, chapters 12, 57. Separate school board electors moreover must be listed as separate school supporters. Their spouses, if of the same religion, are also entitled to vote. The Education Act, 1974, sections 95, 97.

¹⁵Ibid., sections 98.-(1), 100.-(1).

¹⁶Ibid., sections 174-178.

¹⁷Ibid., section 150.-(1).

¹⁸Ibid., sections 256, 264, 266.

¹⁹Ibid., section 253.

²⁰Ibid., sections 261-266.

²¹Ibid., sections 83, 84, 87.-(1), 88, 89.-(1), 92.-(1), 104, 144.

²²Ibid., sections 64, 92.-(1), 100a, 141.

²³Ibid., sections 81.-(2), 134.

²⁴Ibid., sections 98.-(2), 145.

²⁵Ibid., section 195.-(1).

²⁶Ibid., section 63.-(6).

²⁷Ibid., sections 65.-(4), 131.-(7).

²⁸Ibid., section 82.-(4).

²⁹Ibid., section 1(4).

Statutory Support in Quebec

Elementary and secondary education in Quebec is governed by the Education Act¹. The Act, as it appeared in the Revised Statutes Quebec 1977, and its subsequent amendments, up to and including December 19, 1980, were studied. This date was the day the session of the legislature was adjourned. The Education Act consists of 795 sections.

Supportive provisions were found in the area of Facilities.

It is the duty of school boards to determine the usage of their facilities. They shall encourage community organizations to use their facilities.² The principal or the orientation committee³ shall regulate the use of school premises.⁴

The provision, requiring the school boards to encourage community use of its facilities is mandatory. Support can be considered unqualified.

Provisions in the area of Program occurred for Adaptation of Regular Program, Additional Activities for Youth, Adult Education, Use of Community Resources and Delivery/Coordination of Community Services.

Adaptation of Regular Program

It is the duty of a school board to enrich the curriculum, and to adapt its optional content according to the board's

needs and priorities.⁵ Agriculture shall be taught in all rural schools.⁶

Additional Activities for Youth/Adult Education

The school board shall ensure that the schools provide the children and adults in its territory with accessible educational and cultural services.⁷

Use of Community Resources

A school board may, subject to the law, enter into agreements with any person, institution or corporation for school or community purposes.⁸

Delivery/Coordination of Community Services

Daycare may be provided on a regular basis by school boards for its kindergarten and elementary pupils. Parents may be required to contribute.⁹ If daycare is to be provided in the school, the principal shall see to the implementation and operation of the school daycare centre.¹⁰

The school board shall also participate, in the fields in which it has jurisdiction, in the realization of community projects.¹¹

The provisions for Adaptation of Regular Program are mandatory. They are restricted to the optional part of the curriculum and agriculture. Support can be considered limited. For the first provision support is deemed assumed, because it is assumed that the board's needs and priorities are those of the community.

The provision for Additional Activities and Adult Education is mandatory. Support for these aspects is considered to be unqualified.

The provision for the Use of Community Resources is permissive. Support is deemed to be conditional.

The permissive provisions for Delivery/Coordination of Community Services focus on providing daycare for the school's pupils. Support is considered to be conditional and limited to daycare for the students.

The mandatory provision for the participation of the school board in community projects shows unconditional support but it is limited by the board's jurisdiction.

Provisions in the area of Governance occurred for Information to the Public, Advisory Committee and Community Control.

Public notice must be given in a locally distributed newspaper when a school board adopts a resolution dealing with a change in wards; location, acquisition or construction of a school house; real estate dealings for \$1000 or more; borrowings other than temporary; changes in rules governing executive meetings and delegation of power to the executive committee, the director-general and other persons holding senior positions.¹²

A school board shall give to the population of its territory an accounting of the quality of the services offered, the administration of the schools and the

use of resources. It shall also inform the population of its territory on the educational and cultural services it offers.¹³

The principal shall acquaint the school committee (advisory body) with the services offered by the school. He shall see to it that the parents are regularly informed of the educational services offered by the school.¹⁴

Advisory Committee

Every school shall have a school committee consisting of the principal, a representative of the teachers, and parents. The parents are the voting members. They are elected to their post at an annual meeting of parents called by the principal. The school committee's functions are to stimulate participation by parents and the community in the improvement of educational services in the school, to study ways to promote more personal services in the school, to make recommendations to the school administration, and to study any subject on which the school board, the school administration, or the orientation committee consults or must consult it. The school committee must be consulted when school closings or changes in the school's religious status are contemplated. The school committee must each year determine, from a list of ten subjects, on what subjects it is to be consulted. The list ranges from choice of text books, rules for pupils' conduct to the specific

orientation of the school, and the criteria for hiring a principal or vice-principal.¹⁵

Every school board shall have a parents' committee consisting of a representative from each school committee. The parents' committee's functions are to oversee the proper functioning of the school committees, to make recommendations to the school board, to promote participation by parents in school board activities, to express the needs of the school committees to the school board, and to study any subject on which the school board consults or should consult it. Each year the parents' committee must determine on what subjects, from a list of nine, it shall be consulted. The subjects range from the objectives of the school board, the criteria and methods for distribution of pupils in the schools, criteria and mechanics for passing from the elementary to the secondary level, to the educational activities for parents offered by the board. A representative from each level (elementary, secondary) will be a non-voting member of the school board.¹⁶

Composition, terms and conditions of establishment, operation and functioning of school and parents' committees shall be determined by regulation.¹⁷

Community Control

A school board shall establish for each school an orientation committee upon the joint request of the principal, an elected

representative from the teachers, and a person designated by the school committee. The committee is composed of ten persons: the principal, representatives from the teachers, support staff, parents, students, and if desired, school board. The members are elected annually. The functions of the orientation committee are to determine the specific orientation of the school; to participate in the preparation, carrying out and evaluation of the educational project;¹⁸ and to promote information, consultation and coordination among all the parties concerned in the school. It can also, subject to the school board's approval, make by-laws respecting pupils' conduct, and the use of school premises. In addition it can make recommendations to the school board on the implementation of daycare to be provided to elementary and kindergarten pupils. The rules for financing the orientation committee are determined by the annual budgetary rules of the Ministry of Education.¹⁹

A separate school board shall be established when any number of property owners, tenants or ratepayers, professing a religious belief different from the majority of ratepayers (Catholic or Protestant, as the case may be) gives notice of intent to withdraw from the control of the school commissioners.²⁰

Division, alteration, or consolidation of school municipalities can only take place by a resolution of the school board or by an application from the majority of electors.²¹

An audit of the secretary-treasurer's account shall take place upon written application of at least five ratepayers.²²

An assessment, levied for an amount exceeding 6% of a school board's net expenses, or causing the taxation rate to exceed 25 cents per \$100.--, shall need approval of the electors by referendum.²³

The provisions for Information to the Public are mandatory. They keep the public informed on specified financial matters, changes in management procedures, and the board's educational and cultural services. In addition, the school board is required to give an accounting of the quality of services, administration and use of resources. The combined provisions seem to give unqualified support for this aspect.

The provisions for Advisory Committee are mandatory. The committees have advisory powers on a broad range of subjects. They must be consulted on specific subjects. Support for this aspect is not conditional but community participation is limited to parents. Support therefore is considered to be limited.

Certain provisions for the aspect of Community Control show that some school board and school powers are

delegated to the orientation committee. These delegated powers reflect awareness of the unique identity of each community. However, community participation is restricted to parents. Support in this case is deemed to be limited.

The provisions for establishment of a separate school board are mandatory but limited to the specified residents and religious minority. Support then is seen as limited.

The other provisions allow electors or ratepayers to apply for changes in school board boundaries, to have a secretary-treasurer's account audited and to approve specified assessment rates. Support for community control is considered to be limited to the specified residents and subjects.

Conclusion

On the basis of the legislation reviewed, statutory support for school-community involvement in the province of Quebec occurred in all areas for all aspects. Support for community involvement was considered unqualified in the area of Facilities; in the area of Program for Additional Activities for Youth and Adult Education; in the area of Governance for Information to the Public. Statutory support for Adaptation of Regular Program; Use of Community Resources, Delivery/Coordination of Community Services,

Advisory Committee and Community Control was deemed to be qualified.

The provisions for the orientation committee were especially interesting. They allowed for a measure of cooperative control over the orientation of the school, by members of the school community and parents. The orientation committee can only be established when the parties (principal, teachers, parents) have indicated a willingness to do so. Providing for school-community involvement in such a way is supported by the CEA Task Force Report (1979), which concluded that structures for public involvement should not be established until specific need and willingness to participate were identified.

It is interesting to take a look at the provisions for Information to the Public in Ontario and Quebec. Ontario's provisions were minimal whereas Quebec's, which were introduced in 1979, were quite extensive. Yet, residents in both Ontario (47%) and Quebec (45%) were of the opinion, in 1979, that they were adequately informed on school board activities (CEA, 1979). It might be of interest to ascertain if the perceptions of Quebec residents have changed since the introduction of measures providing for more information.

It is clear from the findings that the province of Quebec is committed to involving the community, especially parents, in the life of the school. This attitude was also

reflected in a recent report of the Superior Council of Education (1981). The Council, an advisory board at the ministerial level, saw the school as becoming a laboratory for community action. It stated that concern for the community required more than maximum use of school buildings and facilities.²⁴ The school, according to the Council, should play an increasing role as social animator and coordinator in the community. The provisions in the Education Act seem to provide the school with the framework to play such a role.

Footnotes

¹ Education Act. Revised Statutes Quebec 1977, chapter 1-14 as amended by Statutes Quebec 1978, chapters 7, 59, 78, 79; 1979, chapters 25, 28, 72, 80, 85; 1980, chapter 11.

² Ibid., section 213.(4), (5).

³ The orientation committee is basically an advisory committee. Information on composition, duties and powers can be found under the heading Community Control in the area of Governance.

⁴ Education Act, section 32.4-(9).

⁵ Ibid., section 189.(18).

⁶ Ibid., section 472.

⁷ Ibid., section 189.(19).

⁸ Ibid., section 215.

⁹ Ibid., section 255.2.

- ¹⁰Ibid., section 32.4-(13).
- ¹¹Ibid., section 189.(21).
- ¹²Ibid., sections 281, 282, 293.
- ¹³Ibid., section 189.(22),(23).
- ¹⁴Ibid., section 32.4-(6),(7).
- ¹⁵Ibid., sections 50, 51, 51.1,2.
- ¹⁶Ibid., sections 52, 52A, 52.1, 74, 74A, 535, 544.
- ¹⁷Ibid., sections 53, 544.
- ¹⁸Ibid., section 1.(30). The term educational project refers to a procedure by which a school defines its specific objectives, drafts and carries out a plan of action, and revises the plan periodically with the participation of the pupils, parents, and the staff of the school and the school board.
- ¹⁹Ibid., sections 54.1-54.6,54.9.
- ²⁰Ibid., sections 1.(24), 39, 55.
- ²¹Ibid., section 36. An elector is a Canadian citizen, 18 years of age, domiciled in the municipality, having no legal incapacity. Ibid., section 82.
- ²²Ibid., section 333.
- ²³Ibid., sections 354.1, 396, 567.
- ²⁴"School in the '80s," Megnews 62 (December 1981): 23.

Statutory Support in New Brunswick

Elementary and secondary public education in the province of New Brunswick is governed by the Schools Act¹. The Act, as it appeared in the Revised Statutes 1973, and its subsequent amendments, up to and including June 16, 1980, were studied. June 16, 1980 was the date on which the session of the legislature was adjourned. The Schools Act contains 76 sections.

Supportive provisions were found in the area of Facilities:

All property of school boards is vested in the minister of education. The minister may enter into agreement with a corporate organization for joint construction and operation of school property for the educational, cultural and recreational use by the community.² A school board may, subject to regulation, authorize the use of any school facility by any person or organization.³

Both provisions are permissive and are considered to be conditionally supportive.

In the area of Program, supportive provisions occurred for Adaptation of Regular Program and Use of Community Resources.

Adaptation of Regular Program

A school board may propose a supplementary program.⁴ A supplementary program refers to a course or program that is not prescribed by the minister of education, or the employment of a teacher beyond the budget approved by the minister of education.⁵

Use of Community Resources

A school board may cooperate with persons or organizations for the better promotion of educational standards and programs within the district.⁶

The provisions for a supplementary program are permissive. It may be assumed that a supplementary program reflects community needs. Support therefore, is considered to be conditional and assumed.

The provision for Use of Community Resources is permissive and it may be assumed that the school board will use community resources. Support can be regarded as conditional and assumed.

Supportive provisions in the area of Governance occurred for Advisory Committee and Community Control.

Advisory Committee

The minister of education may establish in any school district an advisory committee representative of the official language minority (English or French) in that area. This committee would advise the school board

with respect to the education of the pupils forming part of that minority of persons.⁷ The composition of the committee and its powers and duties will be set out in the regulations.⁸

Community Control

No supplementary program can be initiated without the approval of the majority of the electors⁹ in the district at a plebiscite. Once approval has been obtained the supplementary program has to be implemented. Cost of the program shall be recovered through taxation in the district.¹⁰

Provisions for the Advisory Committee are permissive and limited to official language minorities. Support is considered to be conditional and limited. Electors have control over the initiation of a supplementary program. Support for Community Control is deemed to be limited to specified matters.

Conclusion

Based on the legislation reviewed, opportunities for school-community involvement in the province of New Brunswick occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program and Use of Community Resources; and in the area of Governance for Advisory Committee and Community Control. All statutory support was

considered to be qualified. It should be noted that post-secondary non-university education, which might be considered adult education, is governed by the New Brunswick Community College Act¹¹. This survey, however, applies to elementary and secondary schools. Community colleges are therefore not included.

It is interesting that, according to the Municipal Elections Act, an elector need not be a Canadian citizen (see footnote 9). This state of affairs was confirmed by the Department of Education and Form 34 of Regulation 151.¹²

The fact, that Canadian citizenship is not a requirement for taking part in a plebiscite under the Schools Act, would allow the broadest based community involvement in Canada for the Community Control aspect.

Footnotes

¹Schools Act, Revised Statutes New Brunswick 1973, chapter S-5, as amended by Statutes New Brunswick 1975, chapter 56; 1976, chapter 54; 1977, chapter 50; 1978, chapters 52, 53; 1979, chapter 65.

²Ibid., sections 8, 67(1).

³Ibid., section 8.1(1).

⁴Ibid., section 43(a).

⁵Ibid., section 1.

⁶Ibid., section 43(b).

⁷Ibid., section 3(2).

⁸Ibid., section 72(c.1).

⁹An elector is 18 years of age or over, and resident in the area for six months. Ibid., section 23(1). Municipal Elections Act, Statutes New Brunswick 1979, Chapter M-21.01, section 13.

¹⁰Schools Act, section 12.

¹¹New Brunswick Community College Act, Statutes New Brunswick 1980, Chapter N-4.01.

¹²Conversation with A. Doucet, Department of Education, New Brunswick, Feb. 2, 1982. Regulations New Brunswick 1979, Regulation 151, Form 34.

Statutory Support in Nova Scotia

Elementary and secondary education in the province of Nova Scotia is governed by The Education Act¹. The Act as it appeared in ~~the~~ Revised Statutes 1967 and its subsequent amendments up to and including June 5, 1980 were studied. June 5, 1980 was the date on which the session of the legislature was adjourned. The Education Act contains 114 sections.

One supportive provision was found in the area of Facilities.

School boards may permit the use of a school building for purposes other than regular school purposes.²

This provision is permissive. Use of facilities by the community may be assumed. Support then is considered to be conditional and assumed.

Support in the area of Program was found for Adaptation of Regular Program, Adult Education and Use of Community Resources.

Adaptation of Regular Program

A school board, in addition to providing the foundation program³, may provide for its pupils such additional services and benefits as the board may consider desirable.⁴

Adult Education

Every person over the age of five and under the age of twenty-one has the right to attend a school in his district.⁵ A school board may provide educational services to persons under the age of five and over the age of twenty-one.⁶ Vocational courses and services may also be supplied to adults.⁷ The minister of education, instead of a school board, may offer vocational courses. These courses shall be "of such character and extent as will most effectively meet the requirements of the population, industries and businesses of the locality".⁸

Use of Community Resources

Every teacher⁹ shall cooperate in the fullest manner possible with local societies and organizations actively interested in the welfare of children.¹⁰

It may be assumed that additional services and benefits to the foundation program, which are considered desirable by the school board, will reflect the community's needs. The provisions are permissive. Statutory support for this aspect is considered to be conditional and assumed.

The provisions for Adult Education are permissive and show broad support. It is deemed to be conditional.

The provision for the Use of Community Resources is mandatory, but it does not require teachers to cooperate with persons, in addition to organizations. Support, then, is considered to be limited.

Supportive provisions in the area of Governance
occurred for Information to the Public and Community Control.

Information to the Public

It is the duty of the school board to promote the advancement of education by holding public meetings.¹¹

It is a teacher's duty to have an annual public examination of the school and to give notice of the examination to parents, ratepayers and school board members.¹²

An annual meeting of ratepayers and their spouses shall be held in every rural and village section, or combination of these sections (school district). Public notice of the meeting shall be given. The business of the meeting is the election of trustees, consideration of reports submitted by the trustees on the operations of the schools, consideration of the budget and special services, which would entail additional local assessment charges, and the appointment of an auditor. In addition, any subject deemed of importance to the educational interest of the area may be considered.¹³

Community Control

If there are no trustees in a village or rural section, the inspector of schools shall call an annual special meeting on the written request of seven ratepayers, or in the case of fewer than fourteen ratepayers, on the written request of the majority.¹⁴

When requested by a majority of the ratepayers, the trustees of a rural or village section shall call a public special school meeting for the consideration of matters deemed of importance to the educational interests of the section.¹⁵

The chairman and secretary of a school meeting in a rural or village section shall be elected by the ratepayers and their spouses at the meeting.¹⁶

On the written request of five or more resident ratepayers a municipal school board may appoint a trustee(s), if an insufficient number of trustees is elected in a rural or village section.¹⁷

The amount to be raised by local ratepayers, over and above the amount provided by the municipal school board, shall be determined by majority vote of ratepayers and their spouses at a regularly called school meeting of a rural or village section or combination of these (school district).¹⁸

The various provisions for information to the public are mandatory, and show clear support for this aspect of community involvement. Rural ratepayers may be kept better informed than urban residents of the province. Statutory support is considered to be unconditional and, in some instances, limited to specified community members (parents, ratepayers and their spouses).

There seems to be considerable support for rural community involvement for the Community Control aspect. The Deputy Minister of Education confirmed that these provisions do indeed apply only to rural and village sections (appendix D - Nova Scotia). The provisions allow ratepayers to determine a number of issues under specified conditions. These deal with representation, additional taxation, and the holding of public meetings. It is interesting to note that ratepayers and their spouses are involved, not resident electors as in most other provinces. Electors in most provinces do not necessarily have to be property owners. Support for community involvement is deemed to be limited to specified matters and ratepayers and, in certain cases, their spouses.

Conclusion

On the basis of the legislation reviewed, qualified statutory support for school-community involvement in the province of Nova Scotia occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program, Adult Education and Use of Community Resources; and in the area of Governance for Information to the Public and Community Control.

It should be noted that the earlier mentioned proposed legislation relating to community schools

(Sullivan & Michael, 1979), did take the form of Regulation 34.¹⁹ This Regulation provides for grants to school boards that organize and administer community schools.

Two mandatory provisions are of interest. They both concerned the school's relations with the community. Teachers were required to cooperate with local organizations, and school boards were required to promote the advancement of education by holding public meetings. These provisions showed an awareness of the importance of community involvement in education.

Footnotes

¹The Education Act, Revised Statutes Nova Scotia 1967, chapter 81, as amended by Statutes Nova Scotia 1968, chapter 23; 1969, chapters 37, 38; 1970, chapters 39, 40; 1971, chapter 37; 1972, chapter 29; 1973, chapter 27; 1975, chapter 24; 1977, chapters 18, 27; 1978, chapter 13; 1979, chapter 15; 1980, chapter 29. Although The Education Act does not deal with the powers and duties of school commissioners in urban sections the City Charters of Halifax (Statutes N.S. 1963, chapter 52) and Dartmouth (Statutes N.S. 1970, chapter 89), the Act to Incorporate the City of Sydney (Statutes N.S. 1903, chapter 174) and The Towns Act (Revised Statutes 1967, chapter 309) state that the Boards of School Commissioners in these areas have the powers and perform the duties conferred and imposed upon school trustees and municipal school boards in rural and village sections. Consequently sections in The Education Act applying to powers and duties of trustees and municipal school boards in rural and village sections apply also to school commissioners and school boards in urban sections. The resume reflects this application. Therefore paragraphs specifically referring to rural and village sections do not refer to urban sections as well.

²The Education Act, section 29(3).

³The foundation program is the basic program for all schools as prescribed by the Governor in Council. Ibid., section 48(2).

⁴Ibid., section 48(3).

⁵Ibid., section 2(2).

⁶Ibid., sections 48(3)(f), 111.

⁷Ibid., section 54A(16)(j).

⁸Ibid., section 54B(6).

⁹The term "teacher" includes principal and superintendent. Conversation with J. Woodford, Department of Education, Nova Scotia, March 1981.

¹⁰Ibid., section 93(3).

¹¹Ibid., section 7(f).

¹²Ibid., section 74(n). A ratepayer means a person assessed and rated upon a municipal rate roll. Ibid., section 1(1).

¹³Ibid., sections 13, 14, 15, 18, 37.

¹⁴Ibid., section 16(3).

¹⁵Ibid., section 17.

¹⁶Ibid., section 19(1).

¹⁷Ibid., section 25(1).

¹⁸Ibid., section 57(1), (2).

¹⁹Education Nova Scotia, October 10, 1979, p.6.

Statutory Support in Prince Edward Island

Elementary and secondary public education in the province of Prince Edward Island is governed by the School Act¹. The Act, as it appeared in the Revised Statutes 1974, and its subsequent amendments, up to and including April 18, 1980, were studied. This day was the date on which the session of the legislature was adjourned. The School Act consists of 8 parts and contains 62 sections.

One supportive provision was found in the area of Facilities.

A regional school board may permit the use of its facilities for any purpose it deems proper.²

Community use of facilities may here be assumed. Support in this area is considered to be conditional and assumed.

Supportive provisions in the area of Program occurred for Adaptation of Regular Program.

Adaptation of Regular Program

A regional school board may make a proposal to the minister for a supplementary program in education.³ A supplementary program is a program not prescribed by the minister of education, or the employment of any teacher beyond prescribed pupil-teacher ratio's, or capital expenditures

beyond the ministerially prescribed budget.⁴

Each regional school board shall provide either English language education or French language education, depending on the mother tongue of the majority of the students within its area.⁵

The first provision is permissive. It may be assumed that a supplementary program would meet the community's needs. Support here is deemed to be conditional and assumed.

The last provision is mandatory and provides for a specified language majority to be educated in its own language. Support for adaptation is seen as limited to specified majority language groups and their respective languages.

Supportive provisions in the area of Governance were found for Information to the Public and Community Control.

Information to the Public

A regional school board shall hold an annual public meeting where matters relative to the board's education program may be discussed. The meeting shall take place prior to the submission of the annual report to the minister of education.⁶

Community Control

The minister of education, after receiving a proposal for a supplementary program, shall publish the relevant facts in a locally

distributed newspaper. If 5% or more of eligible voters⁷ protest in writing to the minister, a plebiscite shall be held. If less than 5% protest, the minister shall advise the board to implement the program. Money required to implement and operate the program shall be raised through the Real Property Tax Act⁸.

The regional school board shall provide education in the minority language, French or English as the case may be, when a group of minority language parents, representing a specified number of children, requests the board to do so.⁹

Provision for holding a public meeting is mandatory, but the provision for the discussion of educational matters is permissive. This would make support for Information to the Public dependent upon the school board. However, it may be assumed, from the context, that the annual report will be discussed. Support in this case is considered to be conditional.

Eligible voters have control over the establishment of supplementary programs. Minority language education will be provided where numbers warrant it. Support for these two provisions is deemed to be limited to electors and specified programs; and to specified minority language groups and their respective languages.

Conclusion

Based on the legislation reviewed, qualified statutory support for school-community involvement in the province of Prince Edward Island occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program; and in the area of Governance for Information to the Public and Community Control.

It should be noted that there were provisions for an advisory committee at the ministerial level. However, it was earlier decided that only advisory committees at the local level would be considered indicative of school-community involvement.

This decision may have done injustice to the province of Prince Edward Island. Total elementary and secondary enrolment in the province in 1976 was estimated at 28,000 (OECD, 1976). This is roughly equivalent to the student population of a metropolitan or large urban school board. The ministerial advisory committee in this province would then represent approximately the same number of students as a local advisory committee for a metropolitan or large urban school board.

Because the emphasis of this study was on school-community involvement, it was decided to maintain the policy of excluding advisory committees at the ministerial level.

Footnotes

¹School Act, Revised Statutes Prince Edward Island 1974, chapter S-2, as amended by Statutes Prince Edward Island 1974, chapter 45; 1977, chapter 37; 1980, chapter 48.

²Ibid., section 23(4).

³Ibid., section 24(1).

⁴Ibid., section 1.

⁵Ibid., section 50.(1), (2). English or French language education means the use of English or French as the language of instruction.

⁶Ibid., section 22(1).

⁷Ibid., section 57.(7). Eligible voter means a person so designated by regulation. A voter eligible to vote for trustee is 18 years of age or over, a Canadian citizen, and resident in the province and in the area for 12 months. Regulations pertaining to the School Act, Part III, section 3.03.

⁸Ibid., section 57.(1), (3), (5).

⁹Ibid., section 50.(3), (4).

Statutory Support in Newfoundland

Elementary and secondary education in the province of Newfoundland is governed by The Schools Act¹. The Act, as it appeared in the Revised Statutes 1970, and its subsequent amendments, up to and including December 17, 1980, were studied. This was the date on which the session of the legislature of Newfoundland was adjourned. The Schools Act contains 112 sections.

The following supportive provisions were found in the area of Facilities.

A school board may permit its school buildings to be used outside of school hours. A reasonable request by an appropriate denominational authority² shall not be refused.³ A school board may operate its recreational facilities, such as for instance auditorium, community hall, rink and play ground, at any time additional to that needed for its physical education program.⁴

The first provision is interesting in that a reasonable request for use of facilities cannot be refused. As the school system in this province operates on a denominational basis the appropriate authority can be regarded as representing that part of the community which belongs to the appropriate religion(s). In that case, support can be seen as indirect and limited to members of the religious denomination(s). The other provisions, which allowed the school board to

decide on the use of facilities, are permissive. It may be assumed that the community will be involved. Support can be considered conditional and assumed. Overall, support for the use of Facilities is deemed to be qualified and assumed.

~~Supportive provisions in the area of Program~~
occurred for Adaptation of Regular Program and Additional Activities for Youth.

Adaptation of Regular Program

The minister of education may direct that a school which could not be kept in continuous operation during the school year, shall be kept open during such period, including the summer vacation, as he may prescribe.⁵

Additional Activities for Youth

Classes may be conducted and attended voluntarily in the school on Saturdays and Sundays.⁶

The first provision allows the minister to adapt the school year to conditions existing in the community. Support is deemed to be conditional and limited to changes in the school year.

The second provision allows classes on Saturdays and Sundays. Support is considered to be conditional. Combined with the fact that a reasonable request by the appropriate

authority for use of the school building cannot be refused, support for additional activities seems to be considerable.

Supportive provisions in the area of Governance were found for Information to the Public, Advisory Committee and Community Control.

Information to the Public

The superintendent (school board employee) shall advise the public of the policies of the school board and he shall enlist the public's support for the school board's program.⁷

Advisory Committee

A school board may make provisions for the establishment of school committees whose duties may include managing and caring for school board property, advising and assisting in tasks specified by the school board, and acting as a liaison between the school board and the community.⁸

Community Control

In a community, where the majority of children are not of a religious denomination specified in the Act, and a public school is not maintained by any school board, but it is proposed to establish one, the minister of education may consider any proposal advanced by the community for the extension, equipment, replacement, improvement or establishment of a school. The proposal shall be contained in

a petition signed by not less than two-thirds of the resident electors.⁹

The first provision involves the community as recipient of information. It also requires the school board to enlist the public's support for its program. Support is considered to be unqualified.

The provisions for a school committee are permissive. Its duties would mean delegation of some school board powers. Its establishment would be at the discretion of the school board. Support therefore, is deemed to be conditional.

The last provision opens the door to schools for children, whose parents belong to no denomination or denominations other than those established in The Schools Act. However, consideration of the proposals is at the discretion of the minister. Support is considered to be conditional and limited to specified circumstances and resident electors.

Conclusion

On the basis of the reviewed legislation, opportunities for school-community involvement in the province of Newfoundland occurred in the area of Facilities; in the area of Program for Adaptation of Regular Program and Additional Activities for Youth; and in the area of Governance for Information to the Public, Advisory Committee and Community

Control. Support for school-community involvement was considered to be unqualified for Information to the Public. All other support was deemed to be qualified.

Several provisions seem to be unique to Newfoundland. The provisions relating to the denominational school system are found nowhere else in Canada. It is also interesting to note that the superintendent is charged with enlisting the public's support for school board programs. Other provinces did not have similar provisions.

In addition, the proposed duties of the school committees included, next to advice and assistance, the management and care of school board property. In other parts of Canada these tasks are usually performed by employees. Having community members look after maintenance of school board property would be greatly supportive of school-community involvement.

Footnotes

¹The Schools Act, Revised Statutes Newfoundland 1970, chapter 346, as amended by Statutes Newfoundland 1973, chapter 35; 1974, chapter 28; 1975, chapter 20; 1979, chapter 41.

²Ibid., section 2. Denomination means a religious denomination, or one of a group of religious denominations for which educational districts are established by or under The Schools Act. These are Integrated Educational Districts (Anglican Church of Canada, United Church, Salvation Army); Roman Catholic Districts, Pentecostal Assemblies of Newfoundland Districts, Seventh Day Adventist District, Presbyterian District. Ibid., Schedule.

³Ibid., section 13(b).

⁴Ibid., sections 13(s), 12(f).

⁵Ibid., section 65.-(2).

⁶Ibid., section 52.-(1).

⁷Ibid., section 19(o).

⁸Ibid., section 22.

⁹Ibid., section 48.-(1), (2). An elector is of the full age of 18 years, a Canadian citizen or other British subject, and has been residing in the province for 6 months. The Election Act, Revised Statutes Newfoundland, 1970, Chapter 106, section 3, as amended by Statutes Newfoundland 1971, Chapter 69; 1974, Chapter 80.

CHAPTER V

STATUTORY SUPPORT FOR SCHOOL-COMMUNITY INVOLVEMENT IN CANADA

Introduction

The preceding chapter described statutory support for school-community involvement for each province. This chapter will deal with the question "What is the statutory support for each aspect of school-community involvement in public elementary and secondary schools on a Canada-wide basis?" The findings of the preceding chapter have been synthesized for each aspect of school-community involvement. Statutory support is described, as it occurred, in the areas of Facilities, Program and Governance. The description of statutory support in each area is followed by a summary.

Statutory Support in the area of Facilities

Two types of provisions were found in the area of Facilities. There were provisions which allowed school boards, or the minister of education, to enter into agreements with corporate organizations¹, usually municipalities, for the purpose of establishing, operating or using facilities. These occurred in British Columbia, the Prairie provinces, Ontario and New Brunswick. Saskatchewan also

allowed school boards to sell, exchange or transfer property with a municipality in the interest of community planning.

There were other provisions which supported use of facilities by the community, often without specifically mentioning the community. British Columbia allowed school boards to permit other organizations to use their school buses for recreational programs. Saskatchewan suggested that the duties of a board of trustees might include determining the use of school facilities for community purposes. Manitoba and New Brunswick permitted school boards to allow the use of school facilities by any person, and, in the case of New Brunswick, any organization. Ontario permitted school boards to allow the use of school buildings, premises and buses for any educational or other purpose. Nova Scotia, Prince Edward Island and Newfoundland allowed the use of facilities for purposes other than regular school purposes.

Quebec was the only province with a mandatory provision: the school boards shall encourage community organizations to use their facilities.

Summary

All provinces had provisions relating to the use of facilities. British Columbia and Quebec specified use of school facilities by organizations. For the other provinces, provisions were worded in such a way, that individuals and

organizations could arrange for the use of school board facilities.

Statutory Support in the area of Program

The area of Program involved five aspects:

Adaptation of Regular Program, Additional Activities for Youth, Adult Education, Use of Community Resources and Delivery/Coordination of Community Services. Provisions, deemed supportive of school-community involvement occurred for all aspects.

Provisions supporting the Adaptation of Regular Program can be divided in general provisions, and provisions relating to meeting the community's linguistic and religious needs.

General provisions allowing school boards to adapt courses, or to introduce courses in addition to the program approved by the minister of education, occurred in seven provinces. None were as explicit in their support for community involvement as British Columbia's provision: "a school board may authorize courses of study designed to meet local occupational or other needs". Saskatchewan, Manitoba, New Brunswick and Prince Edward Island allowed locally developed courses, special courses or supplementary programs. Quebec's mandatory and Nova Scotia's permissive provisions referred to meeting the school board's needs and desires.

Support for school-community involvement was considered to be assumed for the above mentioned provinces, except for the province of British Columbia. In addition, Saskatchewan, Ontario and Newfoundland had provisions allowing for a flexible approach to school closing dates.

Provisions allowing for the Adaptation of Regular Program to local communities' linguistic and religious needs were usually limited to French or English, and Protestant or Roman Catholic. Only three provinces, Alberta, Saskatchewan and Manitoba, allowed the use of a language other than French or English as the language of instruction. French or English as language of instruction was mandatory in Manitoba, where numbers warranted, and in Prince Edward Island, where it depended on the mother tongue of the majority of students in a region. Ontario had mandatory provisions for the use of French in instruction for French speaking students where numbers warranted. Both Quebec and New Brunswick did not deal with the language of instruction in their education acts.² Nova Scotia has enacted legislation concerning language of instruction after the adjournment date in 1980.³ That legislation, therefore, was not included in the survey. The two outermost provinces, British Columbia and Newfoundland, seemed to be without provisions for French or any other minority language as language of instruction.

The foregoing shows the various ways in which provinces have approached the matter of language of instruction.

The provisions of section 93 of the BNA Act, which, generally speaking, guaranteed legal rights and privileges, relating to education, which any class of persons had in a province at the time of union, seem to ensure in some provinces the use of French or English as a language of instruction for these language minorities. The permissive provisions in the Prairie provinces for the use of a language other than French or English, as language of instruction, are therefore all the more impressive. They can be regarded as highly supportive of Adaptation of Regular Program to reflect community needs.

The resolution respecting the Constitution of Canada adopted by the House of Commons and the Senate in 1981 guarantees French or English minority groups the right to receive instruction in their language in elementary and secondary public schools in every province, where numbers warrant.⁴ As shown above, only two provinces would have to enact new legislation. The others can comply with the resolution by amending existing legislation.

The influence of section 93 of the BNA Act, which specifically guarantees Protestant and Roman Catholic schools in some provinces, was also apparent in provisions relating to the religious needs of the community. Alberta, Saskatchewan, Ontario, Quebec and Newfoundland have separate schools for their Protestant and Roman Catholic minorities (OECD, 1976). In addition, in Alberta religious instruction had to be provided, when requested by a local advisory board,

and both Saskatchewan and Manitoba permitted school boards to authorize religious instruction. The religion itself was not specified. Such provisions seem to put the Prairie provinces in the best position to reflect the community's religious needs.

Permissive provisions for Additional Activities for Youth were found in four provinces: Alberta, Saskatchewan, Ontario and Newfoundland. Quebec was the only province with mandatory provisions.

Permissive provisions for Adult Education occurred in British Columbia, Alberta, Manitoba, Ontario and Nova Scotia. Mandatory provisions were found in the province of Quebec. Adult education in Saskatchewan and New Brunswick was to be provided for through community colleges.

The Use of Community Resources was supported in the education acts in five provinces. Cooperation with organizations was encouraged in Manitoba, Quebec and New Brunswick. Ontario had permissive provisions for volunteers, and in Nova Scotia, it was mandatory to cooperate with local organizations.

Permissive provisions for Delivery/Coordination of Community Services occurred in two provinces. Alberta had a permissive provision supporting promotion and development of recreation and community services. Quebec allowed school boards to provide daycare services for its kindergarten and elementary pupils.

Summary

Provisions across Canada supporting aspects of school-community involvement relating to Program were extremely varied. The influence of the BNA Act was noticeable for the Adaptation of Regular Program aspect. Most provisions relating to language and religion reflected the linguistic and religious make-up of Canada at the time of union. Provisions in the Prairie provinces seemed to recognize the multi-cultural nature of present-day Canada. Support for Additional Activities for Youth and Use of Community Resources was scattered. All provinces, with the exception of Prince Edward Island and Newfoundland, had statutory provisions for Adult Education. Delivery/Coordination of Community Services was statutorily supported in Alberta, and in a limited way, in Quebec.

Statutory Support in the area of Governance

The area of Governance involved three aspects: Information to the Public, Advisory Committee and Community Control.

Supportive provisions for Information to the Public can be divided in two categories. The first category concerned general information on educational services. Public meetings as a means to inform the public were mandatory in Alberta in non-urban areas, Saskatchewan and Prince

Edward Island. Furthermore, Saskatchewan required its directors of school boards, and principals to promote public involvement for the improvement of education. In addition, a review and evaluation of educational services had to be conducted when maintenance of satisfactory standards of services appeared to be in doubt. Quebec required school boards to inform the population of their educational and cultural services, and to give an accounting of the quality of their services, their administration and their use of resources. In addition, the principals were required to keep parents informed of educational services offered by the school. Nova Scotia required school boards to promote the advancement of education by holding public meetings. Furthermore, an annual public examination of the school should be conducted. Newfoundland's mandatory provision required the superintendent to advise the public of school board policies and to enlist public support.

Another category of information related to matters such as, capital expenditures, borrowings, changes in school boundaries, which might influence the assessment rates. Provisions for this type of information were mandatory and limited to specified matters. They occurred in British Columbia, Alberta, Saskatchewan, Ontario, Quebec and Nova Scotia.

Provisions for the Advisory Committee aspect can be divided into those for general purpose committees and those

for specific purpose committees. Saskatchewan, Ontario and Newfoundland had permissive provisions for general purpose advisory committees. Saskatchewan's committees had to be consulted on school closures. Manitoba had permissive provisions but they were limited to a geographical area. Alberta had provisions requiring the school board to establish an advisory committee upon petition and after a favourable electoral vote. Mandatory provisions for general purpose advisory committees occurred in Quebec. These committees were to be established at the school and school board level. Consultation on school closings was compulsory.

Provisions for specific purpose advisory committees occurred in British Columbia, Ontario and New Brunswick. Vocational advisory committees were mandatory in British Columbia and allowed in Ontario. Minority language advisory committees (French or English) were mandatory in Ontario and permitted in New Brunswick.

Provisions for the aspect of Community Control fell into four categories. These provisions gave the community the power to call meetings, to influence matters relating to the assessment rate, to establish minority language and religious education, and to initiate court action, and request audits, auditors or appointment of trustees.

Alberta required school boards to hold a public meeting when requested to do so by parents or electors. Recommendations as a result of the meeting had to be

considered by the school board. Ontario and Nova Scotia limited the power to call meetings to specified school districts (remote, village, rural). It was mentioned earlier that Alberta (for non-urban areas), Saskatchewan, Prince Edward Island and Nova Scotia had provisions for school boards to hold public meetings.

Provisions giving the community the power to influence matters relating to the assessment rate were more widespread. These matters included capital expenditures, establishment of, or changes in school districts, and supplementary programs. The provisions required school boards to obtain approval of electors, sometimes when requested or petitioned to do so by electors. Such provisions occurred in Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick and Prince Edward Island. Ontario and Nova Scotia had similar provisions but they applied only to specified school districts (separate, remote, rural, village).

A measure of control by the community over the language of instruction was provided for in three provinces. Alberta required school boards to provide French language instruction when requested to do so by the local advisory board. Manitoba allowed parents to determine the language of instruction (French or English) for their children. Prince Edward Island required school boards to provide minority language education (French or English) when

requested to do so by parents of a specified number of minority language students.

The power of the community to establish separate school boards (Protestant or Roman Catholic) was provided for in the education acts of Alberta, Saskatchewan, Ontario and Quebec. In addition, Alberta and Manitoba provisions required school boards to provide religious instruction when requested by respectively a local advisory board, or a specified number of parents to do so. Newfoundland's minister of education undertook to consider a proposal, made by a specified number of community members, not belonging to an appropriate denomination, respecting the establishment of a school.

There were several provisions allowing community members to take court action. These provisions concerned specified financial matters in British Columbia and Saskatchewan, petitions in Alberta, and changes in school boards or separate school board boundaries in Ontario. Provisions respecting requests for audits, auditors and appointment of a trustee under certain conditions were found in British Columbia, Ontario, Quebec and Nova Scotia.

The provisions for an orientation committee in Quebec need special mention. The school board was required to establish such a committee when requested jointly by principal, staff and parents. Its task was to determine the orientation of the school by defining its specific

objectives, and devising, carrying out and evaluating a plan of action to attain these objectives. All these functions were to be carried out with the participation of pupils, parents, staff and school board. Next to these global functions were some specific limited functions: making by-laws, subject to the board's approval, on pupil conduct and use of school premises, and making recommendations to the board respecting implementation of daycare services. The last function moved it closer to an advisory committee. The goal of the provisions for an orientation committee was for every school to "assert its individuality ..."⁵ As the legislation is fairly new (1979) it is too early to ascertain whether the orientation committee would be a viable means for school-community involvement.

Summary

Provisions across Canada supporting aspects of school-community involvement relating to Governance were varied.

They occurred for the Information to the Public aspect in two categories: provisions for general information on educational services, and provisions for information on matters which influenced the assessment rate. In the general information category some provinces required school boards to hold public meetings; others required

(promotion of public involvement for the improvement of education. Only Quebec required school boards to account for the quality of their services, administration and use of resources. Provisions for information on matters relating to the assessment rate occurred in six provinces. They were limited to specified conditions.

Provisions for Advisory Committees at the local level occurred for general purpose and specific purpose committees. Six provinces had provisions for general purpose advisory committees. They were mandatory in Quebec at the school and school board level. Provisions in Alberta required school boards to establish an advisory committee upon petition and a subsequent vote. Manitoba's provision was limited to a geographical area. Specific purpose advisory Committees at the local level occurred in three provinces for vocational and minority language education.

Provisions giving a measure of Community Control were divided in four categories: power to call meetings, power to influence matters relating to the assessment rate, power to establish minority language and religious education, and the power to initiate court action or to request audits, appointment of auditors or trustees under specified conditions. Provisions in Alberta required school boards to call public meetings on request; they also required the boards' cooperation. Two other provinces had provisions for the power of the community to call meetings but they

were limited to specified school districts. Eight provinces had provisions relating to power to influence matters relating to the assessment rate. All provisions were limited to specified conditions and/or school districts. Support in the education acts for a measure of control over the establishment of minority language education occurred in Alberta, Manitoba and Prince Edward Island. A measure of control over establishment of religious education was provided for in Alberta, Saskatchewan, Manitoba, Ontario and Quebec. In some provinces religious education was limited to Protestant or Roman Catholic. Provisions relating to court action, audits and trustees were limited to specified subjects and conditions. They occurred in six provinces.

Quebec's provisions for an orientation committee allowed for a measure of cooperative control over the local school.

Footnotes

¹ Alberta and Saskatchewan allowed for agreements, in addition to organizations, with other boards or persons.

² Charter of the French Language, Revised Statutes Quebec 1977, chapter C-11. Sections 72, 73, 85 state that instruction in kindergarten, elementary and secondary schools shall be in French, except for a child whose father or mother received elementary instruction in English in Quebec; whose father or mother, domiciled in Quebec on 26 August 1977, received elementary instruction in English outside Quebec; who, in his/her last year of school in Quebec before August 26, 1977, was lawfully receiving his/her instruction

in English in a public kindergarten, elementary or secondary school, and the younger brothers and sisters of a child described in the preceding clause. Access to English instruction for children of temporary residents will be determined by regulation.

Official Languages of New Brunswick Act, Revised Statutes New Brunswick 1973, chapter 0-1. Section 12 states that French or English shall be the chief language of instruction depending on the mother tongue of the pupils.

³An Act to amend Chapter 81 of the Revised Statutes, 1967, the Education Act, Statutes Nova Scotia 1981, chapter 20. A school can be designated an Acadian school, upon the request of a school board or school boards, and the recommendation of the minister, in an area where there is a sufficient number of children whose mother tongue is French to warrant provisions for instruction to be carried out in the French language. The minister may determine the ratio of instruction in French to instruction in English.

⁴"Text of resolution respecting Constitution of Canada." Halifax Chronicle Herald, 11 December 1981. Schedule B, Part 1, section 23. All provinces, except the province of Quebec, have consented to abide by the resolution.

⁵An Act to again amend the Education Act, Bill 71, 4th Session, 31st Legislature, Quebec National Assembly, 1979. Explanatory Notes.

CHAPTER VI

CONCLUSION

Introduction

This survey described provincial statutory provisions which were deemed supportive of school-community involvement. It supplied information on conditions which existed in 1980. As legislation is a continuous process, changes to existing statutes will always occur. Whether these changes would move school boards and schools to more community involvement remains to be seen.

Two aspects of legal research should be kept in mind when drawing conclusions from the survey. As stated earlier, legal research, unless clarified in the courts, remains an expression of opinion. In addition it might be misleading to compare legislation from one province to another as taking provisions out of context might do violence to their meaning.

Moreover, it should be noted that education acts are not the only instruments governing the administration of education, and that the absence of supportive provisions in the education acts does not prohibit school boards or schools to engage in school-community involvement.

Enns (1963) identified five legal sources influencing the structure and operation of Canadian public schools. These were the constitutional provisions of the BNA Act, provincial statutes, rules and regulations of provincial departments of education, rules and regulations of school boards and the decisions of the courts in litigation brought before them.

This survey concerned provincial statutes because they establish the structure of the educational system. Each province has a department of education whose functions include supervision of schools, curriculum, teacher certification, research, support services (health, library, transport) and finance. Management of the schools is the responsibility of local or regional school boards, whose powers are determined and delegated by provincial legislatures (OECD, 1976).

Statutory Support for School-Community Involvement

The description of supportive provisions was based on a review of provincial education acts governing elementary and secondary education in Canada. It was found that all provinces had supportive provisions for all areas of school-community involvement. Support for all aspects of school-community involvement occurred in the province of Quebec.

Variations occurred in the type and nature of supportive provisions. In the areas of Facilities and Program the decision to engage in community involvement was usually left to the school boards. The most notable exceptions occurred in provisions arising from compliance with the BNA Act.

Provisions in the area of Governance dealing with active community involvement were usually restricted to electors, ratepayers or parents. Depending on the legislation, these provisions would exclude non-Canadians (except in the province of New Brunswick), those who do not own property, or those without children in the schools.

Mandatory provisions for the aspect of Information to the Public occurred in most provinces. In addition, the province of Quebec required educational accountability from its school boards. Conditional or limited support occurred in most provinces for the aspects of Advisory Committee and Community Control. Only the provinces of Alberta and Quebec provided for the establishment of structures for community input, or general purpose advisory committees, independent of the school board's approval. In the other provinces, where provisions existed, general purpose advisory committees were creations of the school boards or the ministers of education. A measure of cooperative control over the local school was provided for in the orientation committee in the province of Quebec.

Observations

A study of this kind makes one aware of the differences in structure and content of the provincial statutes governing education. The cause of this diversity could lie in the conditions which govern Canadian educational policies. According to the OECD Report (1976) these conditions are Canada's topography, demography, history, politics, constitutional guarantees and the linguistic and cultural variety of its people. The influence of the constitutional guarantees of the BNA Act were readily apparent in the provisions in some provinces for Protestant and Roman Catholic school boards and for French/English education. A study exploring the relationship between supportive provisions for school-community involvement and the conditions which influenced their enactment might be of interest.


School-community involvement by its nature takes place at the local level. It was to be expected then that most supportive provisions concerned school boards and schools. The services a schoolboard or school must or may offer are influenced for the greatest part by provisions in the areas of Facilities and Program. The CEA Task Force (1979) reported that Canadians generally were satisfied with services offered by the public schools. Minzey (1974) stated that school boards and administrators were relatively comfortable about involving the community in

most aspects of Facilities and Program. To allow school boards, who are presumably subject to community pressures, to decide on community involvement in these areas might be considered the right decision. Permissive provisions then would serve to establish the school board's authority to engage in school-community involvement. Increased support by the province might be shown by delegating more powers in these areas to school boards.

In the areas of Facilities and Program community members are the clients of the school board, the users of its services. And because of compulsory education, the community is a captive market. But in public education the client is also a shareholder who is required to provide the organization's financing through direct or indirect taxation. As shareholders in the educational enterprise, the community can be expected to be kept informed by school boards and administrators. It was therefore not surprising that supportive provisions for Information to the Public were mostly mandatory.

Active school-community involvement in the area of Governance might meet with resistance from school boards and administrators. Outside influences, even from shareholders, are seldom appreciated. Minzey (1974) reported that community councils were viewed as threatening by school boards; Hodgson (1972) saw the possibility for advisory councils only through legislation. Provincial statutory

support for the aspects of Advisory Committee and Community Control could then be demonstrated in legislation providing structures for community input and a measure of control. Such structures should not depend on the goodwill of the school boards. Aside from provisions for limited financial control, only in two provinces could official community input or general purpose advisory committees be organized without school board approval. School-community involvement would be enhanced if more provinces had legislation allowing the establishment of structures, independent of the school board's approval, for community involvement in decision-making.



APPENDIX A.

Principles of Construction of Statutes

Data for the survey were collected taking the following principles of construction (Enns, 1963) into account.

1. Meanings involved must be taken from the wording of the statute and not from extraneous sources. The interpretation section of the statute specifically defines many of the terms used in the act, thereby limiting their meanings for the purpose of the statute.

2. Words usually are interpreted according to literal meanings unless this leads to manifest absurdity.

3. Words are interpreted in context not isolation.

4. Where words are ambiguous the statute is considered as a whole in an attempt to discover the intent of the legislature.

5. The presumption of the courts is against the alteration of the common law.

6. Where a list of specific words is followed by general words, the latter are interpreted to be the same kind as the former.



APPENDIX B.

Sample of Letters Sent to
Provincial Deputy-Ministers of Education

At present I am conducting a survey of Canadian provincial education acts. My survey is nearing completion, and I would appreciate your cooperation in verifying my findings with respect to your province.

My study concerns provisions in provincial education acts which support the involvement of the community in public elementary and secondary schools. Enclosed I have set out the provisions in your province's education act, which I consider supportive of school-community involvement. I have added a brief explanation on the different aspects of school-community involvement.

I would like to know if you agree with the provisions I have listed as supportive. Or, if in your opinion certain supportive provisions have been omitted. If so, which ones?

A reply before June 1st would be appreciated. If a reply has not been received by that date, I will assume that you concur with the provisions I have listed. Thank you for your cooperation.

Sincerely,

Mieke Nyenhuis,
Research Assistant,
Division of Educational Leadership.

APPENDIX C.

Indicators of School-Community Involvement

The following outline, indicating aspects of school-community involvement, was appended to the letters sent to the deputy-ministers of education.

Aspects of school-community involvement occur in three broad areas: Facilities, Program and Governance.

Facilities

Supportive provisions in this area would refer to the use of the school by the community, and the use of community facilities by the school.

Program

This area contains several aspects of school-community involvement.

1. Adaptation of the regular school program to community needs.
2. Provisions for additional activities for youth.
3. Provisions for adult education.
4. Use of community resources e.g. volunteers, commercial organizations.
5. Delivery and/or coordination of community services, e.g. health, welfare, manpower etc., through the school.

Governance

Three aspects occur in this area.

1. Information to the public in respect of the operation of the school.
2. Advisory committees at school or school board level.
3. Community control, that is control by the community over certain aspects of public elementary and secondary education.

It is recognized that the education act may not deal with all aspects. Certain aspects may be governed by the regulations or other provincial acts. My study, however, deals only with statutory support for school-community involvement in public elementary and secondary schools as found in the education act.

APPENDIX D.

Answers Received from
Provincial Deputy-Ministers of Education

British Columbia

Alberta

Saskatchewan

Manitoba

Ontario

Quebec

New Brunswick

Nova Scotia

Prince Edward Island

Newfoundland



May 19, 1981

Mr. Mieke Nyenhuis,
Research Assistant,
Division of Educational Leadership,
McGill University,
3724 McTavish Street,
MONTREAL, P.Q.
H3A 1Y2

Dear Mr. Nyenhuis:

This is to acknowledge your letter of April 28, 1981, in which you outlined the results of your survey on Canadian provincial education acts.

After reviewing your findings, there is one point which I would like to mention regarding your first statement listed under "Community Control." If the consent of the board of trustees or the local school advisory committee is given a board of education may close the school, however, if the consent of either of those bodies is not forthcoming, the board of education may still close the school providing that the board of education has given at least six months notice that it is going to do so.

Some other sub-sections of The Education Act which pertain to various aspects of school-community involvement through the powers conferred on boards of trustees are categorized below:

Facilities

Subsection 136(f)
Subsection 136(i)
Clause 136(j)(i)
Clause 136(j)(v)

Program

Subsection 136(c)
Subsection 136(d)
Subsection 136(g)
Subsection 136(h)
Clause 136(j)(iii)
Clause 136(j)(iv)



Ontario

137

Ministry of
Education

Telephone 416/965- 5982

16th Floor
Mowat Block
Queen's Park
Toronto, Ontario
M7A 1L2

Our file number

Your file number

June 4, 1981

Mr. Mieke Nyenhuis
Research Assistant
Division of Educational
Leadership
McGill University
3724 McTavish Street
Montreal, Quebec
H3A 1Y2

Dear Mr. Nyenhuis:

Dr. H. K. Fisher, Deputy Minister of Education, has asked me to reply to your letter of May 10, 1981 regarding provincial education acts which are supportive of school-community involvement.

Your survey appears to be restricted to an analysis of The Education Act, 1974. It is equally important to consider the Regulations under the Act, particularly Regulation 704/78, a copy of which is enclosed. Several areas of school-community involvement are dealt with in this Regulation which includes amendments of 1979 and 1980.

I should point out that the references to school-community involvement in the statutes and in the regulations should not be interpreted as the total commitment of the Ministry of Education to interaction between the school and community. The nature of community school activity is such that we tend to promulgate it in our curriculum policy documents and other Ministry publications as well as by means of support services through our regional offices rather than by changes in the statutes.

.../2



Québec, le 13 juillet 1981

Monsieur Mieke Nyenhuis
Research Assistant
Division of Educational Leadership
Université McGill
3724, rue Mc Tavish
Montréal

Monsieur,

A la demande de monsieur Jacques Girard, sous-ministre de l'éducation, je réponds à votre lettre du 23 mai 1981 à propos de vos recherches sur la Loi sur l'instruction publique.

Votre relevé des articles de cette loi concernant la participation de la population dans les affaires des écoles élémentaires et secondaires me paraît complet.

Je me permets de vous faire remarquer qu'il faut remplacer la somme de 999 \$ par celle de 1 000 \$ dans le dernier alinéa de la page 2 de votre texte. L'article 293 de la Loi sur l'instruction publique mentionne bien la somme de 1 000 \$.

Je vous suggère d'ajouter l'article 544 de la Loi sur l'instruction publique au 20e renvoi de la page 6 de votre texte. Cet article prévoit que le gouvernement détermine par règlement la composition, la répartition des fonctions et les modalités de fonctionnement et de financement du comité régional de parents et du comité central de parents des commissions scolaires de l'île de Montréal.

Je vous suggère aussi de reproduire au 23e renvoi le cens électoral comme il existe à l'article 82 de la Loi sur l'instruction publique. Celui que vous reproduisez est incomplet.

... 2



DEPUTY MINISTER OF EDUCATION
PROVINCE OF NOVA SCOTIA

OCT 26 1981

Mr. Mieke Nyenhuis,
19 Briar Place,
Halifax, Nova Scotia.
B3M 2X3

Dear Mr. Nyenhuis:

This is in response to your letter of October 8, 1981 concerning education legislation which bears on school-community relations.

Your report on existing legislation appears to have been carefully done, but you may wish to consider the following points when preparing the final draft:

-Brief excerpts from legislation can be misleading under certain circumstances. For example, you report that "every person over the age of five and under the age of twenty-one has the right to attend school". This is based on Section 2(2) of the Education Act, but that section also includes qualifying phrases. These phrases may not be significant for the purposes of your study, but it should be clearly understood that you are not giving a verbatim account of the legislation.

-Your report does not mention the School Boards Membership Act, although its provisions would seem to be related to the subject of your study. A copy of the Act is enclosed for your reference.

-Extensive changes to existing legislation and regulations will undoubtedly be introduced as the Government fulfills its commitment to the adoption of most of the recommendations in the Report of the Commission on Public Education Finance.

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