

## **Bill 20, *School (Student Achievement Enabling) Amendment Act, 2007***

On Monday, March 26, 2007, the provincial government introduced Bill 20, *School (Student Achievement Enabling) Amendment Act, 2007*, which proposes a number of changes to the *School Act* aimed at improving student achievement. The legislation contains the following elements:

- School boards will be renamed Boards of Education to reflect their broader mandate, which now includes early learning and district literacy.
- District accountability contracts will be replaced with achievement contracts in which boards will be required to set specific goals for student achievement.
- The role of superintendent of schools will be expanded to include responsibility for student achievement.
- Boards will be required to submit yearly district literacy plans.
- Superintendents of achievement may be appointed by the Minister of Education, with responsibility to review and provide recommendations for the improvement of school districts' student achievement, early learning programs, and literacy plans.
- New provisions will be introduced for appeals from decisions of a board to a superintendent of achievement.
- School districts will be allowed to charge fees for some courses and materials.
- The capacity to create provincial demonstration schools will be broadened.

The following is a brief summary and discussion of those changes that will have an impact on school district employment issues.

### **1. Superintendents of Achievement — Powers of Inspection**

#### **Proposed Legislation**

The following provisions are added to the *School Act* pursuant to section 40 of Bill 20:

#### **Appointment and duties of superintendent of achievement**

**171.4** (1) The minister may, by order, appoint one or more superintendents of achievement...

#### **Powers of inspection**

**171.5** For the purposes of performing his or her duties under this Act, a superintendent of achievement may do one or more of the following:

- (a) enter a school building or any other building, or any part of a building, used in conjunction with the school or offices of a board or francophone education authority;

- (b) inspect any records of a board or francophone education authority and make copies of any of those records;
- (c) interview students and employees of a board or francophone education authority;
- (d) attend any meeting of a board or francophone education authority.

### **Discussion**

The superintendents of achievement are given broad powers of inspection for the purpose of performing their duties, which include entering a school building, inspecting records, interviewing students and employees of a board, and attending any meeting of a board. There are likely to be employment issues arising out of the superintendents of achievements' power to interview employees.

## **2. Appeals to Superintendent of Achievement**

### **Proposed Legislation**

Section 7 of Bill 20 adds the following sections to Division 3 of Part 2 of the *School Act*:

#### **Appeals to superintendent of achievement**

- 11.1** (1) Subject to the regulations, a decision of a board made under section 11 (6) or a reconsideration by a board under section 11.5 may be appealed to a superintendent of achievement...

#### **Powers and duties of superintendent of achievement on appeal**

- 11.2** (1) On receipt of an appeal under section 11.1, a superintendent of achievement may
- (a) refer the matter for mediation or adjudication, to a mediator or adjudicator under contract with the minister or a person designated by the minister, or
  - (b) summarily dismiss all or part of the appeal.
- (2) A superintendent of achievement must exercise the discretion under subsection (1) in accordance with guidelines established by the minister.

### **Discussion**

Bill 20 adds provisions for appeals from decisions of a board under section 11 of the *School Act* to a superintendent of achievement, who may dismiss the appeal on various grounds or refer the matter for mediation or adjudication. Section 11 provides a process for parents and students to appeal a decision of an employee of a board that significantly affects the student's education, health or safety. Currently, the board's decision is final. Bill 20 provides for another level of appeal for such decisions, which in some cases will have employment implications. It provides for an additional process in which an employee may seek to participate, potentially including mediation and/or adjudication. Further, for those school districts with local agreement provisions for *School Act*

appeals, there may be issues between the collective agreement provisions and the practices and procedures that are established by the superintendent of achievement.

### 3. Additional Responsibilities of the Superintendent of Schools

#### Proposed Legislation

Section 8 of Bill 20 amends Section 22 of the *School Act* as follows:

***(a) by repealing subsection (1) (b) and substituting the following:***

(b) is responsible

- (i) to the board, for improvement of student achievement in that school district,
- (ii) for the general organization, administration, supervision and evaluation of all educational programs provided by the board, and
- (iii) for the operation of schools in the school district,

(b.1) must, on or before December 15 of a school year, prepare and submit to the board a report on student achievement in that district for the previous school year, and , **and**

***(b) by adding the following subsection:***

(3) A superintendent of schools must promptly provide to a superintendent of achievement for the school district any information or report requested by the superintendent of achievement.

#### Discussion

Bill 20 provides superintendents of schools with additional responsibilities to improve, and prepare and submit reports regarding, student achievement in the district. Superintendents of schools are also required to provide any information or report requested by the superintendent of achievement for the school district.

Once the legislation is enacted, BCPSEA will provide specific advice to districts regarding the employment-related implications. BCPSEA will also monitor the BCTF position on the changes and any grievance activity that may arise as a result.

## Questions

If you have any questions about the legislation, please contact:

Jennifer Jamieson, Legal Counsel and Coordinator, Legal Services  
604.730.4505 [jenniferj@bcpssea.bc.ca](mailto:jenniferj@bcpssea.bc.ca)