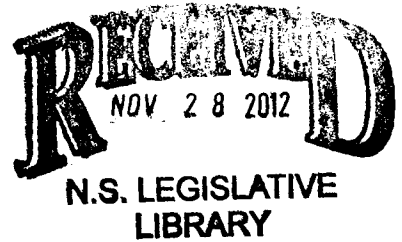


LAW AMENDMENTS COMMITTEE

Red Room, Province House

Tuesday, November 20, 2012



Bill #111 - Fur Industry Act (amended)

- 2:00 p.m.
1. Simeon Roberts, Managing Director
Nova Scotia Mink Breeders Association
 2. Dan Mullen
 3. Henry Vissers, Executive Director
Beth Densmore, President
Nova Scotia Federation of Agriculture
 4. Matt Moses

Bill #119 - Cosmetology Act

- 3:00 p.m.
1. Dana Sharkey, Executive Director
Paula Minnikin, Consultant
Cosmetology Association of Nova Scotia

Bill #94 - House of Assembly Act (amended)

- 3:00 p.m.
1. Steve Sampson, Warden
Richmond County
 2. Glen Myra, Past President
Tom Giovannetti, Deputy Chair Legislative Liaison
Nova Scotia Land Surveyors

Bill #131 - Education Act (amended)

- 3:30 p.m.
1. Dr. Paul Bennett, Director, *Schoolhouse Consulting*
Adjunct Professor of Education, *St. Mary's University*
 2. Anne Totten
Students First Nova Scotia

3. David Cameron

Bill #102 - Education Act (amended)

(deferred from previous meeting)

Bill #107 - Debt Collection and Management Reform (2012) Act

(deferred from previous meeting)

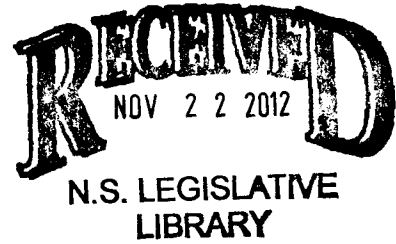
Bill #127 - Art Gallery of Nova Scotia Act (amended)

No representation

LAW AMENDMENTS COMMITTEE

Red Room, Province House

Thursday, November 22, 2012



Bill #136 - Green Economy Act

2:00 p.m.

2 ~~1~~. Mark Butler, Policy Director
Marla MacLeod, Food Coordinator
Ecology Action Centre

3 ~~2~~. Richard Melvin
Henry Vissers, Executive Director
Nova Scotia Federation of Agriculture

1 ~~3~~. Peggy Cameron

4. Jamie Simpson

3:00 p.m.

5. Shalom Mandaville, Chair
Soil & Water Conservation Society of Metro Halifax

6. Gretchen Fitzgerald
Sierra Club Canada, Atlantic Chapter

7. Barbora Grochalova
Food Law Action Group

Bill #111 - Fur Industry Act (amended)

(deferred from previous meeting)

Bill #131 - School Board Members Duties Clarification Act [amendments to the Education Act]

(deferred from previous meeting)

Bill #133 - Inter-city Bus Service Act [amendments to the Motor Carrier Act]

~~(no representation)~~

1. John MacMullen



POLICY PRIMER:

Bill 131: The School Board Members Duties Clarification Act What I Says, What It Means, and Proposed Amendments

Title of Bill:

What it Says: "School Board Members Duties Clarification Act"

What It Means: Clarifying the Duties consistent with a strict Corporate Governance model without any reference to an individual board members' role representing parents, taxpayers, or school communities.

What It Should Say: "School Board Good Governance Act"

Purpose of the Bill:

What It Says: "To clarify the role and duties of school board members."

What It Means: To legislate corporate governance by mandating that "school board members" (plural) are expected to "respect the superintendent" and delegate "management of the school board" to the senior staff officer.

What It Should Say: "To clarify the roles of individual school board members in relation to the board chair and superintendent, employed by the school board."

Title of New Section:

What It Says: "Duties of School Board Members"

What It Means: School Board Members (plural) are recognized, in law, as a group or corporate entity.

What It Should Say: "Duties of a School Board Member." Then to be followed by sections clarifying "Duties of a Board Chair" and "Duties of a Superintendent" in working collaboratively with an elected school board.

Clause-By-Clause Analysis:

Clause 63A

What It Says: "Every member of a school board shall:"

What It Means: Every member, collectively, is expected to follow this mandate.

What It Should Say: "A school board member shall", using the singular expression to recognize the representative function in law, then do the same for "the board chair" and "the superintendent."

Clause 63A (a)

What it Says: “ (a) maintain a focus on the achievement of all students enrolled in the school board’s schools and programs.”

What It Means: Clarifying the Duties consistent with a strict Corporate Governance model without any reference to a board members role representing parents, taxpayers, or school communities.

What It Should Say: “(a) maintain a focus on student achievement and well-being.”

Clause 63A (b)

What it Says: “ (b)respect that the superintendent is responsible for the day-to-day management of the school board; and”

What It Means: “Respect the superintendent” in all matters before and after every meeting when you gather as a corporate entity and adhere to a strict “policy role” where you have the right to vote on staff generated reports and present the odd trustee motion. When you attend School Advisory Council meetings you do so only as a parent or community member.

What It Should Say: “(b) entrust the day-to-day management of the board to staff through the superintendent of education.”

Clause 63A (c)

What it Says: “ (c) act in the best interest of the school board and carry out his or her responsibilities in a manner that assists the school board in fulfilling its duties pursuant to this Act.”

What It Means: Act in the best interest of the school board and represent the board in your dealings with students, parents, taxpayers, and the public. You have no recognized status as a representative of the public, your constituents, or local school communities.

What It Should Say: “c) carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under this act....”

Missing Clauses –on the Representational Role*

What It Says: Missing from the Bill

What It Means: Elected school board members have no role, in law, recognizing their prime responsibility in representing the public, parents, students, and taxpayers.

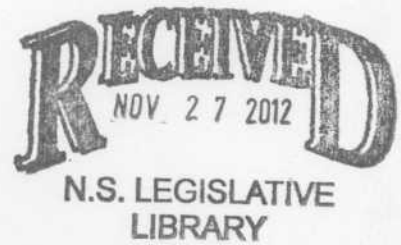
What It Should Say: “(d) consult with parents, students and the public (supporters of the board) on policy matters and in the shaping of multi-year school board plans; e) bring the concerns of parents, students, and supporters of the board to the attention of the board; f) uphold the implementation of any board resolution after it is [passed by the board; g) comply with the board’s code of conduct.”

See Ontario Bill 177, the Student Achievement and School Board Governance Act 2009, Sect. 218.1, 218.4, 283.1, defining the roles of the Board Member, Board Chair, and Director of Education .

LAW AMENDMENTS COMMITTEE

Red Room, Province House

Tuesday, November 27, 2012



Bill #140 - Transgendered Persons Protection Act [amendments to the Human Rights Act]

2:00 p.m.

1. Sheena Jamieson, Support Services Co-ordinator
Leighann Wichmand, Executive Director
The Youth Project
2. Kevin Kindred, Chair
NS Rainbow Action Project
3. Nolan Pike

spoke
didn't appear;
brief

Bill #136 - Green Economy Act [amendments to the Environmental Goals and Sustainable Prosperity Act]

(deferred from previous meeting)

Bill #143 - Importation of Wine for Personal Use Act [amendments to the Liquor Control Act]

(no representation)

From: Ken Meech <kmeech@nssba.ca>
Sent: November-23-12 1:39 PM
To: Office
Subject: FW: comments re proposed amendment to education act -clarity between Board and administration

Here is our submission from the nova scotia school boards association relative to bill131 thanks

Thank you for the opportunity to comment on the proposed amendments to the education act.

We want to speak to the amendments to provide greater clarity to the role of Boards versus the role of the senior administration .

While we agree that the amendment proposed is consistent with the recommended practice we hold the view that this is well understood by Boards ,unfortunately with any elected body there are individuals who will challenge the accepted practice and placing wording in the act will not resolve the issue fully .Also the governance model in practice has shades of grey between the elected board and administration which in many instances is best served by a sharing of advice ,information and a joint agreement on the direction.

We recommend a more comprehensive examination of the role of boards versus the senior management and including a review of the roles and relationship between the elected boards and the Minister /Doe . While it is not unique to Nova Scotia there has been significant change in the landscape of school boards role ,authority and relationship between the provincial education authorities and locally elected boards. There has been significant amalgamation to reduce the number of boards and a greater demand by parents ,public on accountability for student achievement .Suffice to say many of the changes has and continues to undermine the role and legitimacy of the elected school board model . The system is moving in a direction of tighter controls and more standardization and yet the evidence points to a system that needs to respond to diversity and customization for individual students rather than the cookie cutter approach .

To conclude we suggest that we jointly review the issue to ensure that the interests of the students are best served by the model /system .

We ask that you consider approaching the issue on a positive front by outlining the purpose role and function of elected school boards as part of the educational system . As an example we suggest that the act delineate the larger purposes for elected school boards to be Leadership, Advocacy, Oversight and Accountability with the core focus to improve student engagement and achievement .