

LEADERSHIP UPDATE

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Number 1

Leadership Essentials for Administrators Conference 2007

Administrators within the first two years of their appointment or administrators new to the province of Alberta are invited to attend the 2007 Leadership Essentials for Administrators Conference November 22–23 at the Sheraton Cavalier Hotel and Conference Centre in Calgary. Space is limited; apply early. A grant-in-aid will offset costs for participants.

Since the Alberta Teachers' Association was founded in 1918 by a dedicated group of teachers and principals, it has been committed to representing both teachers and principal teachers. Mr George D Misener, an Edmonton school principal, was the first person to serve as ATA president.

In Alberta, teachers and administrators are members of the same professional organization, which means that many educational practices in use in other parts of North America cannot be applied without careful attention to the professional culture in our schools. Collegiality is a foundational belief of the Association as reflected in Recommendation 29 of *Leading for Learning: Interim Report and Recommendations of the Blue Ribbon Panel on the School Administrator* (2005), which recommends that the Association "take steps to protect, maintain and enhance collegiality in Alberta schools." The Association has a responsibility to assist with the orientation of new school administrators by providing programs and supports that will help them to be successful in their roles and ultimately to support teaching and learning in all Alberta schools. As a result, it is the view that new school-based administrators would benefit from a comprehensive orientation to school leadership within the Alberta context.

The Leadership Essentials for Administrators Conference will form a key component of the Association's program of services for school-based administrators. The conference will alternate between Calgary and Edmonton, opposite to the WCEAC location. The goals of the conference are to provide ongoing knowledge and skill development to beginning administrators; to continue to assist new administrators; to provide awareness of roles, responsibilities, and professional and legal obligations; and to promote ATA services and supports to new administrators. Administrators will network with colleagues and participate in the following sessions:

- Fostering Effective Relationships
- Embodying Visionary Leadership
- Leading a Learning Community
- Providing Instructional Leadership
- Developing and Facilitating Leadership
- Managing School Operations and Resources
- Understanding and Responding to the Larger Societal Context

For more information and a registration form visit the ATA website at www.teachers.ab.ca/Resources/School-Based-Administrators/Leadership-Essentials-for-Administrators, or call Konni deGoeij in Member Services at 447-9472 (Edmonton and area) or 1-800-232-7208 (elsewhere in Alberta) or Mark Yurick in Professional Development at 447-9475 or 1-800-232-7208.



**Conditions
are never
just right.
People who
delay action
until all
factors are
favorable
are the kind
who do
nothing.**

—William Feather



Section 27 of the *School Act*

Sections 27 and 277 of the *School Act* makes it illegal for persons to disrupt school proceedings, school meetings or board meetings, or trespass or loiter on school property. That said, what does that really mean, and who gets to exercise that power?

Section 27 of the *School Act*, RSA 2000, c S-3 provides

Prohibited activities

27(1) No person shall

- (a) disturb or interrupt the proceedings of a school,
- (b) disturb or interrupt the proceedings of a school meeting or board meeting, or
- (c) loiter or trespass in a school building or on property owned by a board.

(2) No person shall canvass, sell or offer to sell goods, services or merchandise to a teacher or a student in a school without the prior approval of the board.

Penalty

277 Any person who contravenes section 27, 81 or 112 is guilty of an offence and liable to a fine of not more than \$1000.

There are two ways to exercise s 27; a school board can use that provision as support to ban someone from a school, and s 277 provides that a contravention of s 27 can be an offence (which would be prosecuted through the *Provincial Offences Procedures Act*, RSA 2000, c P-34). Before a school decides to do either, the person should be notified that he or she is acting in contravention of s 27, and must cease acting in contravention of s 27.

Banning a Person from School Property

- Any use of s 27 to ban someone from entering school property should not be done by an individual teacher, but by a principal, a superintendent or the school board.
- The appropriateness or reasonableness of a decision to ban someone from school property can be reviewed if a school decides to ban a person from school property, and that decision is appealed or application is made for judicial review.
- A decision to ban someone from entering the school, especially a parent of a child attending that school, must be made judiciously and with reasonable care, and after an investigation of all circumstances if possible—for example, if safety is an immediate concern, other factors will be less important to consider.
- Section 144.1 of the *School Act* protects employees of a school board who do anything under the act in good faith in the performance or intended performance of their functions, duties or powers under the act.
- Although parents likely do not have a *right* to be on school property, given the express right and responsibility of parents to make decisions respecting the education of their children, as stated in the *School Act* preamble, any decision to ban a parent must be made only in the clearest of cases.
- The test appears to be whether the person on school property, be it a student, parent or otherwise, is present in a manner consistent with the purpose for which the school is maintained, or whether that person's presence is an interruption or disturbance of proceedings.

For further information, visit www.teachers.ab.ca or contact Member Services at the Alberta Teachers' Association, 447-9400 (in Edmonton) or 1-800-232-7208 (from elsewhere in Alberta).

Trespass Actions

- In a trespass action, a judge will not review the reasonableness of the school's action in banning an individual—the only question is whether the person is guilty of trespassing, and whether the person can establish a defence.
- Although a property owner has the right to forcibly remove a trespasser, in most situations it is not clear as to whether or not a person is a trespasser, and using force may give rise to assault charges.
- Defences to trespass are to be established on a balance of probabilities, and include reasonable mistake of fact—was the person duly diligent in attempting to meet the requirements of the ban/trespass notification?

Therefore, every person requires permission (express or implied) from the school board to be present on school property. Accordingly, it is a school board's power as property owner to exercise, not something an individual teacher should or can employ.

In an earlier decision of the Alberta Provincial Court, *R v PB* [1983] AJ No 485, (Prov Crt)(QL), [*PB*], a 15-year-old student was charged with trespassing in a high school, other than the one in which he was registered, when school staff members found him fighting in the halls. He moved for a nonsuit on the grounds that he was not a trespasser. The court dismissed the motion by relying on wording in the *School Act* that made it an offence to disturb or interrupt the proceedings of a school or loiter or trespass in a school building. Judge Fitch suggested that if a person was on school premises because of an invitation by a student or staff member, or if they were on school premises as an innocent stranger such as to borrow student notes, the purpose would be innocent and, therefore, that person would not be an illegal trespasser. Intention, however, really isn't a consideration in a trespass action. Indeed, it is likely a strict liability offence, which means that once the Crown establishes the act of trespass, the offence is made out. However, the reasons behind someone being on another's property might be relevant as to whether a defence to a trespass action is established, such as reasonable mistake of fact, or due diligence.

In *Martin v Conseil des Ecoles Catholiques de Langue Francaise du Centre-Est* [2005], the application for judicial review of a school board's decision to ban the applicant father from his daughter's school premises was dismissed. Rationale provided included

- the principal possessed a global understanding as an educator, administrator and manager of the school, and the board deferred to his appreciation of what was necessary to maintain the fragile equilibrium for his school that would be conducive to an excellent atmosphere of teaching for his students;
- the applicant had only himself to blame for the ban imposed upon him due to his persistent, defiant and intimidating visits at the school—the applicant became a serious nuisance to the good functioning of the school, which made the decision a reasonable one;
- the Ontario Divisional Court not only upheld the principal's ban, but affirmed the principal as the person who best understands the circumstances and as the person to whom the Court will show deference when the decision was reasonable in all the circumstances, as it was here; and
- further, access to one's child at school is not one of constitutional status invoking the standard of review of correctness.

Courts have upheld that the school is a public place and that the actions of those who entered the school must be considered in order to determine whether they are trespassing. So, when issuing a Section 27 letter under the *School Act*, ensure that your decision has been made judiciously and with reasonable care, and only after an investigation of all circumstances has occurred.

Upcoming Sessions

You are invited to attend

Teacher Growth, Supervision and Evaluation Workshop

October 18 in Edmonton or
October 23 in Calgary

If you are interested in attending please e-mail Marilyn Terlaan in Member Services at marilyn.terlaan@ata.ab.ca.

WCEAC Creating Connections Across Differences

October 24–26, 2007

The Western Canadian Educational Administrators' Conference is a conference for trustees, superintendents, central office personnel, principals and assistant principals from across Western Canada, the Northwest Territories and the Yukon. It will be held at the Fantasyland Hotel in Edmonton. If you are interested in attending, view the web site at www.wceac.org.

Leadership Essentials for Administrators Conference

November 22–23 in Calgary

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