

# K'garten funding against law

## User fees a possibility

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The Edmonton Public School Board is scrambling to find ways to pay for an extra 200 hours of kindergarten after an Alberta judge ruled Tuesday it acted illegally earlier this year.

"I doubt it's feasible we're going to pull the plug on a full 400 hours of kindergarten," board chairperson Dick Mather said after the ruling by Court of Queen's Bench Justice Eileen Nash.

"Obviously, we have hired teachers and have students registered and we're under way in this school year. So I think the feasible approach is to ascertain where we might otherwise fund the program. That's the issue for us to consider."

In a precedent-setting decision affecting other school boards across Alberta, Nash said the Edmonton board exceeded its power under the School Act by taking provincial funds designated for mandatory Grade 1-12 programs and using it to subsidize full kindergarten, which is not mandatory under the act.

Trustees approved the move May 31 at the request of the Glenora Parent Teacher Association, which wanted another year to press the province to restore full kindergarten funding.

The government announced in February it was cutting kindergarten funding from 400 to 200 hours this September to help reduce the provincial deficit.

While school boards have authority by law to offer more than the minimum 200 hours of kindergarten, the School Act does not give them the right to fund kindergarten with money designated for other mandatory school programs, Nash said.

## BOARD

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Or it could decide to get individual schools to raise funds specifically to pay for the extra 200 hours of kindergarten, he said.

It also has the option of appealing Nash's decision to a higher court.

Mather had no idea how much user fees would cost parents. But in Calgary public schools, parents of children in kindergarten must pay a \$466 fee per child.

Mather was unsure when a final decision might be made.

Either way, trustees plan to meet with Education Minister Halvar Jonson "as soon as possible" to ask that the School Act be amended to include kindergarten as part of a basic education in Alberta, he said.

"I think this puts more pressure on this government to reinstate full funding," Mather said.

"I think the people of Edmonton, and everyone else in this province, have said loudly they want full provincial funding for kindergarten. We're an anomaly across Canada in not providing it."

But Jonson said Tuesday the government is not reconsidering reinstating full funding and suggested school boards look at imposing user fees.

Jonson said he will look at the implications of the decision but made no promises to help school boards affected by it.

"I did not expect the legal challenge that was launched and therefore the decision is one to be analysed carefully."

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— Derek Mather,  
Edmonton Public School  
Board chairperson

Mike Henry, the Liberal's education critic, said the government should re-institute full funding for kindergarten and make it mandatory.

The court case was launched by the Learning Disabilities Association of Alberta.

Spokesman Sandra Dowie said the association was "pleased the judge has chosen to vindicate our reading of the new School Act."

The association "is definitely not against kindergarten" nor does it think the board was trying to take money away from kids with learning disabilities and use it to pay for kindergarten this year, she said.

"Our issue is that school boards must comply with the new School Act."

"We think the repercussions of school boards or any school administrator choosing not to comply with the School Act undermines the rights of all students within the school system."

Other boards affected by Tuesday's court ruling include Edmonton Catholic, City of Camrose Public, St. Albert Protestant, County of Strathcona Public and Grande Prairie Public.

## SCHOOL DAZE

### What Happened?

The court ruled the Edmonton Public Board exceeded its power under the School Act by taking \$3.4 million earmarked for Grade 1-12 programs and using it to pay for an extra 200 hours kindergarten. Kindergarten is not mandatory in Alberta.

### What Next?

A full kindergarten course will continue as usual. Meanwhile, the board will look at imposing user fees on parents or getting schools to raise money or appealing the court decision. The board will immediately ask the province to consider making kindergarten mandatory.

### Are User Fees Likely?

The Edmonton Public School Board has voted twice not to impose user fees. Calgary public schools charge \$466 per kindergarten student to cover the cost of an extra 200 hours of instruction.

### ■ Province adds to kindergarten funding/A7

Instead, the act says boards only have two avenues — impose user fees or hold a plebiscite and get approval from taxpayers to raise more money for kindergarten.

But Mather said a plebiscite can only be held during a municipal election. "So we are one year plus away from being able to follow that option."

As a result, the board may now be forced to impose user fees on parents to subsidize full-time kindergarten classes, Mather said.

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