

Group seeks legal costs from board

Kindergarten fee challenge

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The Learning Disabilities Association of Alberta is seeking a court order to force the Edmonton Public School Board to pick up the association's legal costs in the kindergarten case.

The controversial request will be made next week on the grounds the board ignored an opinion from its own lawyer before deciding last May to subsidize kindergarten classes with funds earmarked for Grade 1-12 education under the School Act, said association lawyer Shirish Chotalia.

The opinion from the board's lawyer said that if the board went ahead, the case could likely end up in court and be ruled illegal under the new School Act, a copy of the opinion shows.

The association filed a lawsuit in June and an Alberta judge ruled Aug. 30 the board had acted illegally.

As a result, "we are asking for the legal costs the association incurred as a non-profit group to argue the case on behalf of all school children," said Chotalia.

The costs are in the \$7,500 to \$8,000 range.

The precedent-ruling court decision essentially means all Alberta school boards can't legally divert money from Grade 1-12 programs to subsidize kindergarten because kindergarten is not an essential part of a

student's education by law in Alberta.

The board is appealing the decision.

But in the meantime, the Edmonton board, and others across Alberta who find themselves in the same situation, are scrambling to find alternative ways to pay for a half-year of kindergarten classes in case the appeal is lost.

The Klein government axed its grants to cover full-time kindergarten instruction this September from 400 to 200 hours.

Catrin Owen, the board's public relations director, said the legal opinion was just one of many the board looked at before moving ahead last May.

"The decision was made after a number of legal opinions were looked at", including a favorable one from the deputy minister of education, she said.

Edmonton public trustee Terry Sulyma voted against the move in May on the grounds he felt it was illegal. Nevertheless, he said Thursday he felt other trustees "acted in good faith and made a considered decision."

"The issue is really one of local governance," said Sulyma. "Have we the discretion to make these decisions or are we to be dictated to by people under the Dome?"

The money to cover the association's legal costs will "just end up coming out of programs that would have been spent in the Grade 1-12 classroom, so what good is that?" he added.