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Lawsuit 'vexatious', says school trustee

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There's little merit to a lawsuit challenging the Edmonton Public School Board's right to spend money on kindergarten, a trustee says.

George Nicholson dismissed the suit as an annoyance, saying the board is within its rights to spend money as it best sees fit for the education of Edmonton children.

The Learning Disabilities Association of Alberta launched the legal action after the board decided to fund a full 400-hour kindergarten program next year, though provincial funding for kindergarten has been cut in half.

The association wants the court to assert that the board must follow the School Act and not divert money from mandatory Grade 1-12 programs to programs like kindergarten that are not mandatory.

To fund a full kindergarten program next year, the board had to find an extra \$3.4 million.

The challenge will be heard Aug. 19.

But Nicholson says the board has always had the option to divert money from mandatory programs to support other components of education.

For example, while provincial funding in the past paid for 400 hours of kindergarten, the board kicked in extra to provide 456 hours.

It has also subsidized transportation and provided money for athletic programs, which are not prescribed by the School Act.

"I think it's a little vexatious, that's all," Nicholson said.

"I don't think it's a serious challenge, but the court will soon determine that.

"I think the things we've heard from the premier and the minister, perhaps not in written form but certainly verbally, we've been as-

POINT

The Learning Disabilities Association of Alberta says the Edmonton Public School Board can't take \$3.4 million from mandatory Grade 1-12 programs to provide a full kindergarten program, which isn't mandatory according to the School Act.

COUNTERPOINT

The board says its well within its rights to spend its money on programs that are in the best interests of children and satisfy local priorities.

sured we're able to fund for the benefit of youngsters at large in Edmonton, and that's what the board has done."

But Sandra Dowie, a spokesperson for the association, said the action is entirely serious.

If the board can take money from mandatory programs for kindergarten, it can divert money from any program, she said.

"We've chosen to take this on as an issue because we believe it's a serious one and \$3.4 million is a lot of money to call it vexatious," she said.

She agreed the board may well have had the right to divert funding from one program to another in the past. But she said the practice can't continue with the district facing hefty cuts in provincial funding.

According to Alberta Education, while boards are committed to spending provincial dollars on specific programs, they are free to spend money raised from local taxpayers as they see fit to satisfy local priorities.

And even though the province will now provide 100 per cent of a board's funding, a large portion of that can still be considered to have come from its local tax base.