

School board employees must get leave of absence to run as trustee – Supreme Court of Canada

Baier v. Alberta, 2007 SCC 31

The Supreme Court of Canada dismissed the appeal which challenged the changes to Alberta's *Local Authorities Election Act* precluding school board employees from serving as school board trustees.

This decision confirms that school board employees must obtain a leave of absence from their employment to be eligible to run as a candidate for school board trustee in Alberta - they are deemed to have resigned if elected.

In an 8-1 decision, the Court dismissed the Alberta Teacher's Association appeal holding that the appellants failed to establish "that their practical exclusion from school trusteeship substantially interferes with their ability to express themselves on matters relating to the education system," and that school board employees could express themselves in many other ways.

In other words, the right to free speech is not infringed by restrictions on holding a position as a trustee.

The Alberta School Boards Association's legal team produced information about this decision in their June 29th **Legal Briefs**.

www.asba.ab.ca/news_index/legal_briefs/legal_briefs.html.

The ASBA summary clearly and succinctly describes the decision and their legal staff is available to CSBA members if they need help. (www.asba.ab.ca)

You can download the full 56 page Supreme Court of Canada decision from

<http://scc.lexum.umontreal.ca/en/2007/2007scc31/2007scc31.pdf>.

Note that while this is referred to as the Baier (Ronald David Baier) case, there were other Appellants including the Alberta Teachers' Association.

The Alberta government was the Respondent and the Interveners were the Attorneys General of Ontario, New Brunswick, British Columbia and Prince Edward Island; the Canadian Teachers' Federation, the Alberta Federation of Labour and Public School Boards' Association of Alberta.



Lance Bean Past-President, Canadian School Boards Association

This year has been abundantly rewarding because of the great educational leadership I met throughout Canada. I say with great confidence that our system produces excellence because of the dedication of trustees and commissioners to the educational success of each and every student.

I am richer from this experience because of what I have learned about what locally elected school boards are doing to make our country such a wonderful place to learn and live.

I also want to thank the CSBA board of directors – a remarkable team of leaders whose commitment to collaboration and consensus made this year such a joyously productive one.

Thank you.



Lance Bean



Maureen Kubinec President, Alberta School Boards Association, Congress 2007 Host

I want to thank all of you who came to Congress 2007 in Calgary – I enjoyed meeting colleagues

from across Canada and hope that you learned as much as I did.

Well over 400 trustees, commissioners and other educational leaders participated. Our Open Forum hosted by Raymond Théberge, the Director General of the Council of Ministers of Education, Canada, was a very stimulating exchange. The learning sessions and keynote speakers were well-received – thanks for the compliments. Best of all, we enjoyed ourselves and made friends with people who share our dreams about educational excellence throughout the country.

On behalf of the CSBA Board, I would like to add how pleased we are at how trustees from across Canada used this occasion to share successes and ask and give advice.

We look forward to Congress 2008 in Regina!

Please note, we will prepare a Compass Newsletter with more information about the Annual General Meeting and the Congress sessions.

Patricia Parulekar, National Director