

# Government Processes for Boards of Education

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**BCSTA**

British Columbia  
School Trustees  
Association

# Introduction & Executive Summary

School districts, as separate legal entities of British Columbia's provincial government, are subject to myriad provincial laws, regulations, policies, reporting requirements and oversight measures established by the legislative assembly, cabinet, government ministries, central agencies and other oversight bodies that make up what is generally referred to as the "government."

Understanding government processes and how they relate to the work of a school district is no simple task given the many departments and requirements involved. What makes it all the more challenging is that these processes change over time as new governments are sworn in, or as government and ministries re-organize or change their existing processes.

Interacting with government on a day-to-day basis generally falls to senior school district staff. This is most often the school district's superintendent and secretary-treasurer. However, boards of education, who have overall oversight and policy setting responsibilities for the school district, are often involved at various stages of government processes. This is due to a board's responsibility for making decisions on a number of issues such as a district's operating budget, capital funding requests and various reporting requirements including financial statements and executive compensation reports.

It is helpful to have an insight into key government processes so that when decisions have been made by the board of education, and are subsequently provided to government for the next stage of the decision making, there is a general understanding of what can be expected moving forward.

This guide is organized from the highest level of government processes, starting with the legislative assembly, to the role of cabinet and cabinet ministers, and then to more specific processes at the ministry level. It is not intended to be exhaustive. Rather, it focusses on key government processes that boards of education will have some level of exposure to during the course of their terms. This is a general guide, not a legal document. The legislation, regulations and policies that often establish government processes have been generalized as they change over time and it is more relevant to a board of education to develop an understanding of the rationale behind the processes rather than focusing on the specific processes themselves.

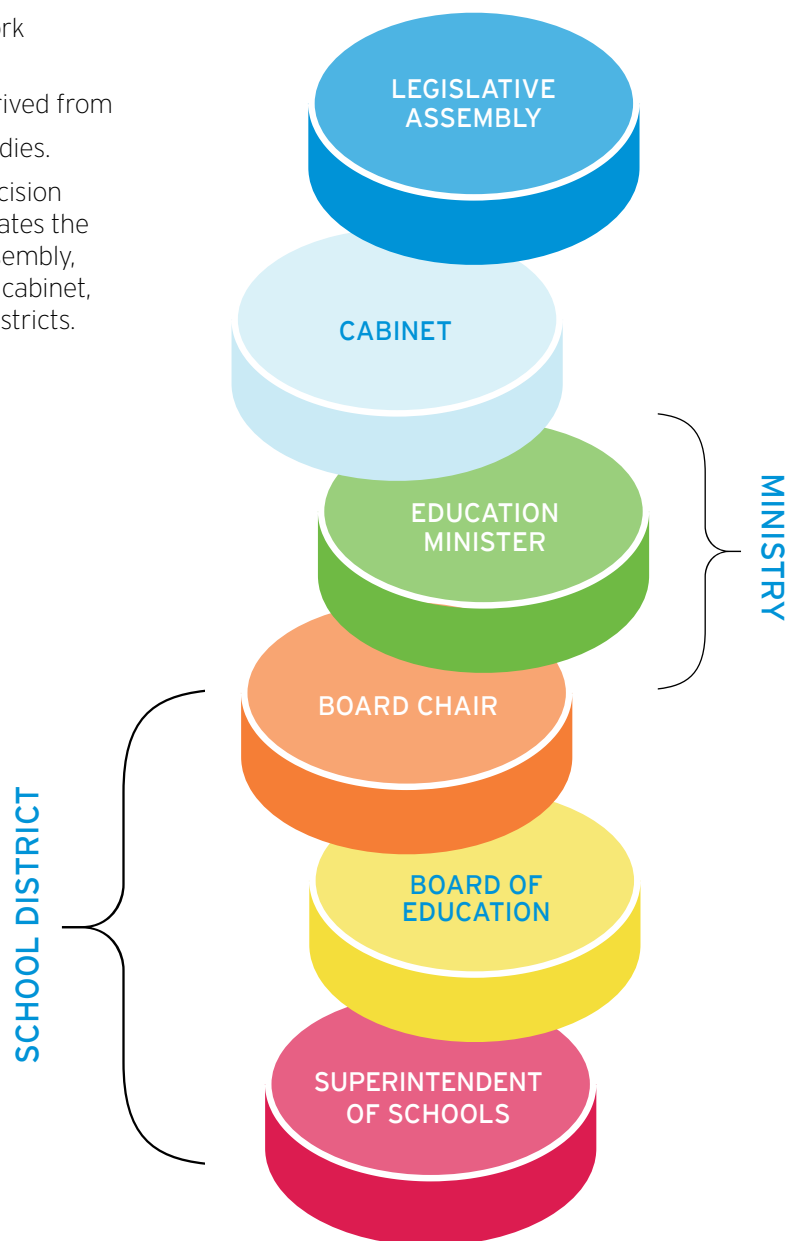


# Government Hierarchy

It is important for boards of education to have a general understanding of:

- The hierarchy of government bodies and how each group relates to the work of the school district,
- Where government processes are derived from
- What to expect from government bodies.

In terms of the general hierarchy of decision making, the graphic on this page illustrates the relationship between the legislative assembly, independent officers of the legislature, cabinet, the minister of education and school districts.



# Legislative Assembly

The legislative assembly performs three important roles in its job of overseeing the public education sector: a legislative role (e.g., the *School Act*), a financial role (e.g., approving the public education budget during estimates debates) and an inquiry role (e.g., holding the government accountable on issues related to public education). The legislative assembly is composed of the lieutenant governor and elected members of the legislative assembly (MLAs). Together, members of the governing party, members of the opposition and independent members make up the legislative assembly.

MLAs represent the interests of their constituents by participating in political debates during sessions of the legislative assembly. MLAs can also be a member of cabinet committees and be appointed to a ministerial role with one of the government's ministries, such as the minister of education.

The *School Act* (including any amendments) and other legislation that is pertinent to public education is brought forward to the legislative assembly for debate. Staff in the Ministry of Education are responsible for working with legislative counsel of the Ministry of Attorney General on draft bills and the minister of education has the responsibility for bringing the legislation forward as the sponsoring minister. Often, the BC School Trustees Association (BCSTA) and other education stakeholder groups will be consulted during the development of bills. This can take many forms, including working groups, formal consultation processes (e.g., white papers) or less formal means, depending on factors like the nature of the proposed amendments, and the willingness of government to consult.

Any changes to legislation are tracked by school district staff as a part of their duties. However, there are also less formal means of information exchange. BCSTA, in its role of supporting member school districts, will also produce guides and other resource materials to inform boards of education of legislative changes and how those changes may impact the work of the school district. In addition to being consulted and informed of legislative changes, boards of education play a key role in establishing changes to a school district's board policies (and superintendents may want to amend their operational procedures) to ensure that legislative requirements are appropriately addressed.

Another key activity of the legislative assembly is its inquiry role known as "question period," which allows opposition members to ask the government, including cabinet ministers, questions about their portfolios. It is common for questions to arise about the K-12 sector that can either be system wide (e.g., education funding and curriculum changes) or specific to a particular school district. Opposition questions can often be generated at the local level, through discussions with members of the public, parent advisory councils (PACs), union leadership and interactions with boards of education. The processes in place to share information between boards of education and MLAs varies from school district to school district. It is not uncommon for boards of education to meet with, or write to, their local MLAs to ensure that local issues are clearly understood so that these issues may be canvassed during inquiry processes. The most recognized means for boards of education to interact

with their local opposition, independent or governing party MLAs is through constituency offices. Local MLAs that are in the governing party may have additional means to influence local issues, either directly as a cabinet minister, or indirectly by bringing local issues to other MLAs who may also be a part of cabinet and who are, as a result, closest to decision-making.

Regardless of whether the MLA in the constituency of a school is of the governing party or in opposition, there is value in having these discussions so that locally elected MLAs have a strong understanding of issues pertinent to their jurisdictions and may advocate on behalf of the school district.



# The Auditor General

School districts are subject to oversight from independent officers of the legislative assembly, which includes the Auditor General of B.C. The auditor general is responsible for conducting audits of government ministries, crown corporations, universities, colleges, school districts and health authorities. Independence is a vital safeguard for fulfilling the auditor general's responsibilities objectively and fairly based solely on the evidence found while conducting proper audit procedures. For this reason, the auditor general reports directly to the legislative assembly.

The following school district reports have been completed recently:

- **Executive Expenses at SD36 (Surrey), August 2019**

- Report reviewed employer-paid executive expenses for SD36(Surrey).

- **Progress Audit: The Education of Aboriginal Students in the B.C. Public School System, June 2019**

- **Changes government has made since the 2015 audit of the education of Indigenous students in the B.C. public school system.**

- **Promoting Healthy Eating and Physical Activity in K-12: An Independent Audit, May 2018**

- The audit looked at whether the Ministries of Health and Education were working together to effectively oversee public school programs and policies promoting healthy eating and physical activity for children and youth in Kindergarten to Grade 12.

Audit reports available to the public on the auditor general's website and include a section that details how the government will be addressing the report recommendations. As a matter of good audit practice, auditor general staff will meet with the board of education and senior school district staff at the onset of the audit so that the scope is understood, as well as during key phases of the audit so that there is an understanding of what led to the auditor's key findings and recommendations. School district staff also work with the Ministry of Education staff to prepare management's response to the auditor's report, which outlines what actions the school district or ministry, depending on which body is responsible for implementing the recommendations in the report, will be taking to address the report's findings. While the government is accountable to the legislative assembly for responding to the auditor general's report, it is also common for boards of education to receive general media enquires or questions about an audit in their school district. The process used for a school district's response to an auditor general report may vary from district to district, but in general terms the process involves having the board of education briefed on the report's findings as well as the senior management team developing an action plan to address the auditor's recommendations along with a communications plan to address public/ media enquiries.

# Cabinet

Cabinet is a body of political officials that decides the policies and direction of the province and administers the day-to-day operation of its government. Cabinet meetings are chaired by the premier and are made up of the lieutenant governor in council, the premier and cabinet ministers, of whom are members of the legislative assembly and selected by the lieutenant governor and premier.

The premier is responsible for selecting MLAs to act as cabinet ministers. Most cabinet ministers head a government ministry, but this is not always the case. There are a number of ministries in government, with roles and responsibilities that may change over time due to reorganizations and changes to minister portfolios. Ministries are often broken down into the key functions of government and include: education, finance, health, labour, attorney general, children and family development, transportation and infrastructure, advanced education, agriculture and forests, lands and natural resources. Portfolios often change over time as well. For example, a separate mental health and addictions ministry was recently created to provide greater focus at cabinet to mental health and addictions issues. This function previously resided within the Ministry of Health.

Cabinet meetings enable ministers, within a confidential setting, to debate issues, reconcile different perspectives, participate and influence deliberations and collectively reach decisions on key policy issues facing government. Cabinet meetings are confidential, with legislative protections in place that aim to prevent the disclosure of information or documents in cabinet settings.

The minister of education, as a member of cabinet, is responsible for bringing forward public education decisions/issues to cabinet for direction. The Minister is typically accompanied at cabinet meetings by the deputy minister of education and/or other senior staff (e.g., assistant deputy ministers) that are responsible for key portfolios within the Ministry of Education. Due to the need to protect cabinet confidence, participation in cabinet meetings do not extend to boards of education or senior school district staff, even in instances where the decision pertains to a particular school district. Although boards of education and senior school district staff do not participate directly in cabinet meetings, there is often consultation prior to cabinet meetings between the ministry and school district staff if there is a need for cabinet to understand the implications to a school district or the board of education's position on a particular matter. After a decision has been made by cabinet, the Ministry of Education is responsible for providing school districts with the policy direction that flows from cabinet, after formal direction has been provided by the secretary to cabinet to the ministry. The Ministry of Education may share the direction received from cabinet in a variety of ways, including conference calls with boards of education or more formal correspondence such as letters from the minister to board chairs.



# Select Standing Committee on Finance & Government Services

The Select Standing Committee on Finance and Government Services is one of ten permanent parliamentary committees of the legislative assembly. Each year, the committee holds province-wide consultations and presents a final report with recommendations to the legislative assembly. BCSTA and individual boards of education participate in committee meetings as witnesses and write submissions to the committee to support its deliberations on issues pertinent to K-12. The minister of finance considers the report of the committee during provincial budget deliberations. However, there is no obligation for government to implement the recommendations of the committee.





# The Budget

The provincial budget is prepared by government and presents its anticipated tax revenues (e.g., income tax, provincial sales tax, property transfer tax, etc.) and proposed spending/expenditures (health care, education, post-secondary education, social services, transportation, etc.) for the following three years. Through the budget, the government implements its economic policy and realizes its program priorities.

The budget is required to be tabled on the third Tuesday of every February under the *Budget Transparency and Accountability Act* and outlines expected Ministry of Education spending for the next three government fiscal years. The budget also includes a forecast of anticipated school district enrollment over the three-year budget cycle. It is important to note that school district forecasts are very difficult to predict so far in advance of the upcoming school year and will often change from the original forecast. The enrolment forecast is an important indicator to understand in the budget, as it begins to shed light on the level of funding being allocated per student and whether that global number is going up or is going down.

The budget in recent years has included a section dedicated to public education funding, which highlights the key funding priorities of the government (e.g., collective agreement obligations, enrollment, funding for special needs, etc.). It also includes a section on capital spending, including anticipated spending on school district facilities (e.g. new schools, seismic, rehabilitation). The government provides summary level information on capital spending (i.e., not all school district projects are listed) as the government is only obligated under the *Budget Transparency and Accountability Act* to disclose all new projects that are estimated over \$50 million.

BCSTA releases a guide to understanding the provincial budget annually, and Senior School District staff will also advise boards of education on how the budget is expected to translate to changes in their school district's funding. Communication on the specific levels of funding per school district is not released until after the budget (usually on or before March 15 of each year).



# The Ministry of Education

The Ministry's role is to provide leadership and funding to the K-12 education system, through governance, legislation, funding, policy and standards. Specific roles and responsibilities are set out under the *School Act*, *Independent School Act*, *Teachers Act*, *Library Act*, *First Nations Education Act*, and accompanying regulations.

The minister's office is headed by the minister of education, which is a subdivision of cabinet and is responsible for the Ministry of Education. Minister's office staff are responsible for supporting the minister in their day-to-day responsibilities, including responding to political issues that arise and they are politically appointed to their positions. In contrast, staff within the Ministry of Education are appointed under the *Public Service Act* and swear an oath of office to remain non-partisan in the execution of their duties.

Under the co-governance framework, the minister of education and boards of education, as elected officials and with mandates to lead their respective organizations, communicate directly with one another at what is essentially a government-to-government level. Interactions between the minister and boards of education take on many forms, through sector-wide meetings, conference calls, correspondence or in school district specific meetings with the minister of education and board of education either at the Minister's office or at the school district.

The deputy minister of education is tasked with leading the operations of the Ministry of Education and typically

deals directly with their counterpart, the superintendent of education, who is responsible for leading the operations of their school district. Similar to minister/board interactions, the deputy minister will communicate with superintendents through various means, including attending sector-wide forums, conference calls, correspondence or specific meetings.

The Ministry of Education is comprised of several divisions, usually headed by assistant deputy ministers assigned to different portfolios. The deputy minister is responsible for the organization of the ministry and, as a result, divisional responsibilities change over time through re-organizations of the ministry. Assistant deputy ministers and their respective staff are often in contact with senior school district staff, including the secretary-treasurer, finance and facilities staff as well as assistant superintendents. Other ministry staff, such as staff responsible for capital decision making, are often assigned a portfolio of school districts that they interact with on an ongoing basis.

The deputy minister and assistant deputy minister work closely with BCSTA to understand issues that are impacting school districts and meet on a regular basis. They also participate in a number of events throughout the year including BCSTA's Annual General Meeting, Board Chairs / Partners Liaison Meeting, Leadership Series, Provincial Council and the Trustee Academy.

# Operating Funding

While the provincial budget provides information on the overall amount of operating and capital funding dedicated over the next three years to the education sector, the Ministry of Education is responsible for administering the province's funding allocation system that allocates the funds established in the budget to boards of education based on the provincial funding formula. As mentioned prior, the ministry announces funding for school districts by or on March 15 of each year so that boards of education may prepare their own budgets for the following school year.

The funding formula is periodically reviewed by the Ministry of Education to ensure that it remains relevant and meets its policy objectives. There is no prescribed process in the *School Act* or other legislation that outlines the process the government is to follow when reviewing the funding formula. In general terms, the process might involve tasking a panel or individual(s) to conduct the review, and the review would typically involve consultation with school districts and boards of education as well as other key education partners for their views on key policy/funding issues that the review would seek to address. Given the importance of the issue, government would likely include the Treasury Board to review the financial implications of any changes to the funding formula, and the issue may also be brought forward to cabinet for policy direction.

While ministry funding staff work closely with school district secretary-treasurers and other senior financial staff on financial issues throughout the year, including financial accounting, reporting and compliance, the ministry itself has very

little flexibility to respond to operating funding requests from individual school districts, as the vast majority of operating funding is disseminated through the funding allocation system, based on a set of pre-determined criteria to ensure the transparent distribution of funding throughout the province. While there is very limited opportunity for the consideration of school district specific funding requests (even in circumstances where the funding formula may be viewed as inequitable to a school district or a group of school districts), there is a process in place to bring forward more "system-wide" funding issues to the Treasury Board for direction, such as unanticipated costs associated with increased enrolment or emerging funding priorities of government that were not factored into the budget. Through the budget process, the government has set aside a "contingencies budget" that the Treasury Board has authority to allocate throughout the year in order to address unforeseen or unplanned for budgetary issues. Similar to any Treasury Board process, the board's staff would be required to conduct due diligence and would be expected to work with both ministry and school district staff as a part of their review.

The funding formula is also often brought up during Question Period, or the Estimates debates as it is the key mechanism that dictates funding to each school district. There are also opportunities for boards of education to raise local funding challenges with their respective MLAs so that issues pertinent to the school district are debated.



# Capital Funding

Funding for public school buildings and structural improvements is shared between the provincial government and boards of education.

Capital funding from the provincial government covers most of the capital costs for site acquisition, new school construction and school additions or renovations. Boards of education submit capital plans that include details on school building priorities in their school districts. The provincial government establishes an overall capital budget for schools based on the ministry's capital allocation. Each capital request is analyzed according to specific criteria and available resources are allocated to the highest-priority projects, typically through the Treasury Board. Boards of education will be involved

in various stages of the process, including approving the school district's capital plan, and will review individual capital requests that are submitted to the Ministry of Education. Boards of education will also be involved in project announcements that are often coordinated with the minister's office, with announcements typically involving the Minister of Education, other local MLAs and at times the Premier of B.C.

Capital funding is also frequently brought up during Question Period and Estimates debates. There are opportunities for boards of education to raise local funding challenges to their respective MLAs so that issues pertinent to the school district are debated.



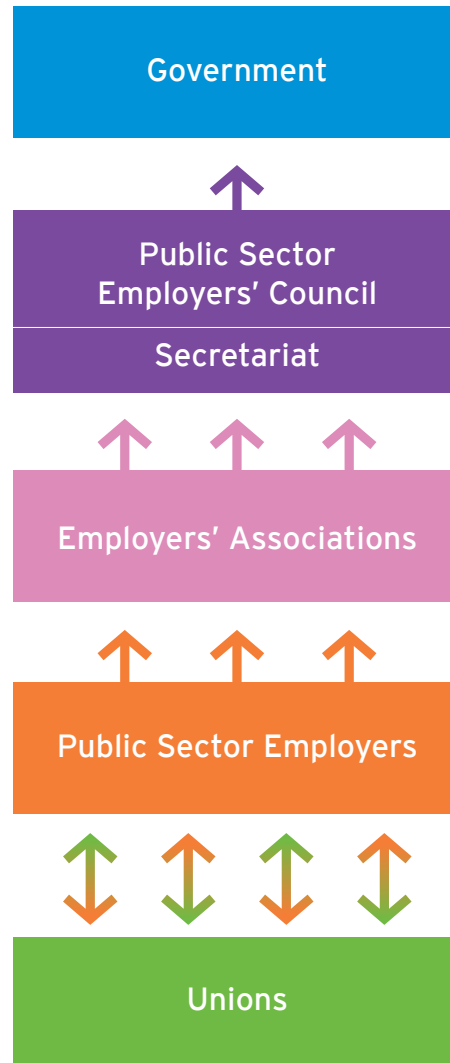
# Collective Bargaining

Government is ultimately accountable to taxpayers for the costs and service delivery outcomes that result from bargaining and non-union compensation. Provincial mandates in B.C. lay out the broad terms for collective bargaining, consistent across all sectors.

The Public Sector Employers' Council Secretariat (PSEC), as a central agency of the Ministry of Finance, coordinates union and non-union compensation across the public sector. PSEC is responsible for ensuring public sector compensation costs are aligned with the government's fiscal plan through the budget objectives set by government. As such, the financial mandate of the employer is set by government and applies to all school districts.

Through this centralized model, the BC Public Sector Employer's Association (BCPSEA) coordinates bargaining with unions in each of the 60 school districts in the province. School districts are responsible for bargaining in their own school district, which typically involves senior staff in human resources and/or the secretary-treasurer as the employer's representation. School districts may also hire a consultant to act as the spokesperson during collective bargaining, with direct expertise in collective agreement negotiations. Boards of education are not typically directly involved at the bargaining table, but they may elect to have some trustees attend some bargaining sessions as observers in order to gain a greater understanding for the financial and non-financial bargaining proposals brought forward by the union. Boards of education, while bound by provincial direction with respect to their financial mandates, are responsible for approving negotiated agreements as

the local employer. The flow chart below outlines the relationship between key parties involved in collective bargaining. It is important for boards of education to have a general understanding of the hierarchy in decision making and policy direction that flows from that hierarchy.



# Labour Relations

To say that the labour relations and collective bargaining construct in B.C. is complex is somewhat of an understatement. The current division of roles, responsibilities, processes, collective agreements and traditions has developed over time and does not adhere to any single guiding vision or direction. Detailing all of the variations and explanations could fill an entire book. Here are some key points that are helpful for trustees to know.

## **Who is the employer?**

In B.C. each individual school district is the direct employer of all their exempt staff, teachers, support staff and other professional employees. These individuals do not work for the provincial government, Ministry of Education or their union or professional association. The BCPSEA represents the 60 school districts in both labour relations and collective bargaining, but takes direction from both the school districts and the PSEC (under the Ministry of Finance as noted above and not the Ministry of Education). The work and direction of BCPSEA is guided by member board resolution as well as directives from the Ministry of Finance through PSEC.

## **How is the teachers' union organized?**

The BC Teachers Federation (BCTF), through its 60 union locals, represents all of the teachers employed in B.C.'s 60 public school districts. They do not, however, represent the vast majority of teachers employed by independent schools. It is important to note that while BCTF may choose to organize its union locals on a regional basis (e.g. sub-locals representing a specific community or region of a school district) or school level

basis (e.g. a local sub-group of elementary or secondary teachers), there is legally only one BCTF union local for each school district in the province.

## **How is BCTF bargaining conducted?**

BCPSEA oversees bargaining with BCTF on behalf of boards of education. All provincially designated items in the collective agreement are bargained at a single provincial table, while items designated as local items are bargained between union locals and the school district directly. It is important to remember that although there are 60 variations of the collective agreement covering teachers, legally there is only a single all-encompassing collective agreement for teachers across B.C.'s public school districts. Variations within the single collective agreement apply depending upon a teacher's local district employer.

## **How support staff unions are organized**

Unlike the BCTF for teachers, there is no single central union or collective agreement for support staff employed by public school districts. A variety of unions, the most notable of which being the Canadian Union of Public Employees (CUPE BC), represent support staff employees in school districts. It is also important to note that even within CUPE BC individual union locals have far more autonomy than locals within the BCTF.



**How is bargaining with the support staff unions conducted?**

BCPSEA represents all 60 school districts in overseeing bargaining with support staff unions and locals. They represent the employer at the non-mandatory provincial bargaining table, with the purpose of reaching a recommended province wide 'framework' agreement intended to serve all districts and union locals. Individual boards and union locals may choose not to accept any recommended framework agreement and seek to bargaining a separate agreement on their own terms. There are also a small number of generally non-monetary issues left to be negotiated at the local level. Unlike the process for teachers, the final product is a large number of local collective agreements that have varying degrees of consistency.

**What are the roles of boards of education?**

It is important to remember that local boards of education are the employer and that they should be directly involved in helping to determine local labour relations priorities and collective bargaining outcomes. The provincial government also has a stake as well as responsibilities in this regard. The balance of power and integration of processes between the two is always in a degree of flux, but the overall trend has been toward centralization.

**What about exempt employees?**

The vast majority of exempt staff employees in the K-12 public sector have personal employment contracts with their employer (their local school district). There are a variety of required standards and limitations on these contracts which are overseen by BCPSEA and PSEC. The key feature of the employment relationship of superintendents, secretary-treasurers, principals and vice-principals, etc. with their school district is that they are non-unionized employees who, by personal choice, may or may not be members of a professional association.



# Core Policies, Procedures & Legal Requirements for School Districts

As public sector organizations, school districts are expected to follow the spirit and intent of the B.C. government's core policies. They must also communicate their governance and accountability through financial reporting. Under the *Financial Information Act*, for example, school districts are required to produce statements of financial information, including information on employee remuneration and expenses as well as payments made to suppliers.

Boards of education are also responsible under the *Public Sector Employers Act* for the establishment and maintenance of the total compensation package for the position of superintendent and are required to provide reports to PSEC Secretariat specifying all the terms and

conditions of employment for their "senior employees" earning an annualized base salary of \$125,000 or more along with copies of the senior employees' written contracts of employment.

School districts establish their own board policies and/or administrative procedures to ensure that these requirements are met, including policies on procurement, financial oversight, financial reporting and internal audit. Any key changes to legislation that requires additional requirements of boards of education should be evaluated to ensure that there are internal board policies and accompanying processes in place to implement the direction and meet these legislative accountabilities.

# Freedom of Information & Protection of Privacy Act

The *Freedom of Information and Protection of Privacy Act* (FIPPA) is legislation that regulates the collection, storage and use of personal information by public bodies, which includes school districts. The Ministry of Education and all school boards are public bodies and are subject to all the provisions of the legislation. The *School Act* also contains an "access to student records" clause. Under this section, parents have a right of access to their child's records and do not have to go through freedom of information processes to access them.

FIPPA sets out specific requirements that school districts need to follow, including a statutory requirement to produce records within a 30 day period. The FIPPA responsibilities often reside in either the superintendent's office, assistant superintendent's office or the office of the secretary-treasurer to ensure the central coordination of records and release of information. While the practices vary by school district, it is common for sensitive requests to be brought to the attention of the board of education, as the release of records may generate public and/or media interest.





# Conclusion

School districts are impacted by many government processes. It is important for a board of education to develop a general understanding of how government is structured and the accountabilities of all key players in the system. Doing so provides important insight into the processes that flow from those structures and establish context for what to expect as the school district works through these various processes in order to advance their priorities. This guide is not intended to provide an exhaustive accounting of all government processes given how quickly they evolve. What is most important is for a board of education to obtain a broad understanding of how things work and what to expect from government so that they are able to effectively navigate these processes.





