



Conseil scolaire du Sud de l'Alberta

Suite 230, 6940 Fisher Road SE Tel. 403.686.6998
Calgary, Alberta Toll-free 1.877.245.7686
T2H 0W3 Fax 403.686.2914

**Conseil scolaire catholique et
francophone du Sud de l'Alberta**

4800 Richard Rd. SW, bureau 200
Calgary, AB T3E 6L1
Telephone: (403) 685-9881
Fax: (403) 685-9884



Project to establish a

FRANCOPHONE REGIONAL AUTHORITY (SOUTH)

“FRA (South)”

Prepared by the steering committee

Anne-Marie Boucher, Chair, CSSA
Diane Boutin, Chair, CSCFSA
G rard Auger, Superintendent, CSSA
Florent Bilodeau, Superintendent, CSCFSA

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TABLE OF CONTENTS

A. Preamble	3
a. Reasons for establishing an FRA (South)	3
b. Preliminary steps	4
c. Constitutional rights and jurisprudence	4
d. First round of consultations with the francophone school communities	5
e. Report from the first round of consultations – June 2009	6
f. Consultations and suggestions of the three northern blended francophone school boards	6
g. Second round of consultations	6
B. Governance structure	7
a. Election of school board trustees	7
b. Roles and responsibilities of the FRA (South) school board	8
c. Responsibilities of the Catholic Trustees Corporation of the FRA (South)	10
d. Roles and responsibilities of school councils under the new governance model	10
C. Administrative structure	10
D. Transition	11
Appendix A-1 — Electoral zones	12
A-2 — Map of FRA (South) electoral zones	13
Appendix B — Draft organization chart	14
Appendix C — Draft administrative structure	15
Appendix D — Project stages	16
Appendix E — Synthesis of perspectives of the groups consulted	17
Appendix F — Summary of consultations with the northern blended francophone boards	18
Appendix G — Map of francophone schools in Alberta	20

A. PREAMBLE

In the 2009–2010 school year, the Conseil scolaire du Sud de l'Alberta (CSSA) and the Conseil scolaire catholique et francophone du Sud de l'Alberta (CSCFSA) are providing educational services to 1180 students in the public system and 828 students in the Catholic system. The two boards operate 13 schools located in the southern part of the province.

This document is intended to provide parents with the main elements of the project that will be submitted for approval to the Minister of Education, and the reasons why the two southern francophone school boards (FSBs) wish to establish a Francophone Regional Authority (South) (FRA (South)). The following pages present the proposed governance model and administrative structure, and describe the processes the FSBs have undertaken to consult electors in Region No. 4 as well as other interested parties.

a. Reasons for establishing an FRA (South)

Advantages of an FRA (South)

The goal of any school board is to provide the best possible education to its students. Currently, the two francophone boards in southern Alberta are well established and provide good services to students.

Despite their strengths and vitality, however, the fact is that these are two very small boards. Their size has a significant impact on student recruitment, on retention between elementary and secondary levels, and on possibilities for future growth.

The establishment of an FRA (South) will make it possible to improve several aspects of francophone education. First, a single blended FRA will help bring together the francophone communities of southern Alberta within a shared schooling structure. Both boards wish to be better able to meet francophone students' educational needs and contribute more successfully to their identity-building.¹ To that end, the boards are looking into joint activities that will strengthen the francophone identity of students, parents and staff.

The establishment of an FRA will involve a central-office restructuring that will lead to improved efficiency. The staff's duties and responsibilities will be revised according to the needs and priorities of the FRA (South). The aim will be to streamline tasks in order to create specialized positions and add new positions dedicated to specific areas such as infrastructure, cultural activities, support for intercultural families, promotion, retention and recruitment, etc. A needs analysis of the new FRA will determine which of these areas will be targeted.

According to both FSBs, the proposed establishment of an FRA (South) will make it possible to pursue more effectively the mandate defined in section 23 of the *Canadian Charter of Rights and Freedoms*

¹ Identity-building is one of the mandates of minority French-language schools. It is a process whereby students become aware of their identity, and anchor and develop it within the context of francophone culture. Different elements contribute to the process, including culture and the development of a francophone identity, attitudes of cultural affirmation, cultural practices, and relations with the greater francophone community.

(the *Charter*) and the 1990 Supreme Court *Mahé v. Alberta* decision. This mandate is to create a linguistic, cultural and community framework that, through school programming tailored to the needs of students and the community, helps to:

- affirm students' identity and sense of belonging to French culture and the francophone community
- counter the effects of assimilation
- create structures and institutions that will ensure full compliance with section 23 of the *Charter*
- remedy past wrongs.

In short, the challenges of operating two small francophone school boards in southern Alberta, the basic need to bring together the southern francophone community, and the possibility of providing excellent educational services to francophone students in Region No. 4 — these are the key elements that motivate both southern FSBs to ask the Minister of Education to establish an FRA (South).

The key question is this: *Does the establishment of a single blended FRA contribute to the development that the two boards foresee for southern Alberta's francophone community?* The trustees and administrators of both boards believe the answer is *yes*. Why? Because by working together within a single blended FRA, trustees and personnel can better cooperate to promote the needs of students and the francophone community.

b. Preliminary steps

As early as 2006, the two southern FSBs met several times to discuss shared challenges and possible ways to collaborate in order to better fulfill their three specific mandates: to counter the harmful effects of linguistic and cultural assimilation, to contribute to the development of the francophone community, and to provide the best possible educational services to rights holders' children. At the time, they realized their respective academic approaches were sufficiently different that any collaboration would be difficult. Eighteen months later, in November 2008, both FSBs agreed to resume discussions and to study the pros and cons of coming together in a single FRA (South) in Region No. 4.

The Minister of Education and senior department officials were kept informed of the project and of the southern FSBs' intentions from the outset. The FSBs also consulted the Deputy Minister of Education, the Assistant Deputy Minister of Program Development and Standards, and the Director of Legislative Services.

c. Constitutional rights and jurisprudence

At the national level, section 93 of the *British North America Act, 1867* grants provinces the exclusive right to enact laws governing education. Paragraph 3 of this section also protects the religious rights of separate schools in Alberta.

In 1982, two significant events had a profound impact on French first-language education in Canada: patriation of the *Constitution* and the introduction of the *Canadian Charter of Rights and Freedoms* (the *Charter*).

The *Constitution Act, 1982* gives special recognition to the English and French languages. Under section 23 of the *Charter*, members of francophone minorities, and anglophones in Quebec, have the right to have their children educated in minority-language public institutions as well as access to francophone/anglophone schools in their communities.

In order to respect the provisions of section 23 of the *Charter* and the Supreme Court's 1990 *Mahé v. Alberta* decision, the Alberta government amended the *School Act* in November 1993 to allow rights holders in the province to assume governance of francophone education.

Section 29 of the *Constitution Act, 1982* does not violate the rights of francophone minority communities to establish denominational schools. To fulfill this constitutional obligation, on November 29, 2001, the Alberta government passed *Bill 16*, which, under sections 255.4 and 255.5(3), clearly establishes the right, authority and responsibility of FRA trustees to manage the fundamental characteristics of Catholic education in an FRA's Catholic schools.

In addition, the preamble of Alberta's *School Act* recognizes that the principles of francophone educational governance are unique to francophone education and are neither applicable nor transferrable to the English educational system.

Finally, subsection 4(8) of the *School Act* states that "[n]otwithstanding subsections (1) and (6), the Minister may exempt a Region or a Regional authority from the application of a provision of this or any other Act."

In summary, it is possible under provincial legislation to establish a blended FRA while fully respecting all parents' denominational/nondenominational and linguistic rights. Under Canada's Constitution and Alberta's laws, it is exclusively up to francophones living in southern Alberta to determine their educational governance model.

d. First round of consultations with the francophone school communities

On March 18, 2009, the southern FSBs sent a press release to parents, staff, interested parties and the media stating their intention to consult their francophone school communities and various other interested parties. The ultimate goal of these consultations was to present the concept of an FRA (South), gather participants' feedback on the proposed establishment of an FRA, and gauge whether there was enough support in the francophone school communities to pursue the process of establishing an FRA.

Each FSB consulted the francophone school communities within its territory, including parents, staff and senior high school students, as well as the boards of the three northern FRAs. The FSBs also consulted the bishop of the Calgary Diocese and the Alberta Catholic School Trustees Association (ACSTA). In addition, they informed the following interested parties: Alberta Education, the Association canadienne-française de l'Alberta (ACFA), the Alberta School Boards Association (ASBA), the College of Alberta School Superintendents (CASS), the College of Catholic School Superintendents of Alberta (CCSSA) and the Public School Boards Association of Alberta (PSBAA).

e. Report from the first round of consultations – June 2009

Four main themes emerged from the consultations with the CSSA school communities:

- strengthening of the southern francophone community
- the concern that small communities outside Calgary would become “invisible” and forgotten
- assurance that decisions related to Catholic education will not affect the public schools
- the need for more information explaining how students and schools will benefit from the new structure.

Four main themes emerged from the consultations with the CSCFSA school communities:

- strengthening of the southern francophone community
- protection of Catholic electors’ constitutional rights
- the need to know more about the experiences of northern Alberta’s blended boards
- concern that there will be a decrease in resources currently invested in Catholic schools.

Before proceeding with the second round of consultations, both FSBs approved the steering committee’s proposal to establish an FRA (South). During the project draft stage, the steering committee sent a letter to the Minister of Education requesting his views on some of the proposed changes. The Minister replied that he wishes to meet with the steering committee on March 8, 2010 to discuss the FSBs’ requests for clarification.

f. Consultation and suggestions of the three northern blended francophone school boards

In May 2009, a questionnaire was sent to the three blended francophone school boards in northern Alberta to solicit their views on the advantages and disadvantages of an FRA based on their experience. All three agree that an FRA is an effective way to establish francophone school governance in a given region. The northern FRAs also stated that the establishment of an FRA has a rallying effect on the francophone community, not to mention the savings of time, energy and resources (See Appendix F).

The five Alberta francophone school boards met on December 11, 2009 to discuss the project and its possible implications for francophone educational governance in the province.

g. Second round of consultations

The second round of consultations will take place in February and March 2010. The steering committee will visit each of the two boards’ schools to present the project and measure support for it. A vote will be held following the presentation. It must be remembered that the constitutional rights belong to electors and not to students or staff unless they are parents or electors.

Following the consultation sessions, both FSBs will have to study the results of the vote held during the second round of consultations. The trustees will consider the level of support received and decide whether to submit the project to establish an FRA (South) to the Minister of Education.

B. GOVERNANCE STRUCTURE

a. Election of school board trustees

1. Number of trustees

The two existing FSBs recommend that the new FRA (South) comprise eight (8) trustees. This will require an extension of the maximum permitted under section 255(2) of the *School Act*.

2. Distribution of public and Catholic trustees and electoral zones

- i. The two FSBs recommend that trustees be elected to the new FRA (South) according to the following distribution:
 - four (4) Catholic trustees
 - four (4) public trustees.
- ii. The area covered by the Greater Southern Francophone Education Region No. 4 would be divided into three electoral zones:
 - the city of Calgary (2 public trustees and 2 Catholic trustees)
 - the western sector, which would cover all communities located west of Highway 2 including the city of Airdrie (1 public trustee and 1 Catholic trustee)
 - the southeast sector, which would cover all communities located east of Highway 2 (1 public trustee and 1 Catholic trustee)(See the map of electoral zones in Appendix A.)

These recommendations are intended to ensure the most equitable representation possible on the new FRA (South) board, so that everyone's interests are heard (Calgary/eastern/western zones and public/Catholic).

3. Term of office

The *Local Authorities Election Act* (sections 10 and 11) states that a general election for all FRA trustees will take place every three years; the last such election was held in 2007. The first election of FRA (South) trustees will therefore take place in October 2010. The *Local Authorities Election Act* also states that members of an elected authority will hold office for a term of three years starting with the organizational meeting that follows the general election.

4. Who are the electors?

- i. Under sections 256(1) and 255.2(5) of the *School Act* and *Order in Council 218/2004*, an elector is eligible to vote if he or she meets all the following criteria:
 - is a francophone
 - is 18 years of age or older
 - is a Canadian citizen
 - has been a resident of Alberta for the six consecutive months immediately preceding election day.

- ii. At least one of the following criteria must also be met:
 - has a child who is enrolled in a francophone school operated by the Regional Authority
 - was enrolled as a student in a francophone school operated by a Regional Authority and received an Alberta High School diploma or certificate from a Regional Authority
 - is the biological or adoptive parent of an individual who was enrolled as a student in a francophone school operated by a Regional Authority and who received an Alberta High School diploma or certificate from a Regional Authority.
- iii. With respect to public electors, the two FSBs recommend that the following change be made to the *School Act*:

Section 255.2(5) of the *School Act* states that: “Notwithstanding section 256(1.1), a separate school elector who has a child enrolled in a public school in the Greater Southern Public Francophone Region No. 4 may vote for a candidate who is standing for election as a public school member.”

The two southern FSBs recommend the following change: “Notwithstanding section 256(1.1), a separate school elector who has a child enrolled in a public school in the Greater Southern Francophone Region No. 4 (or any other name the Minister chooses) may vote for a candidate who is standing for election as a public school member.”

This change would give public-school electors the same rights they currently have.

5. Establishing the FRA (South)

- i. When the FRA (South) is established, the Minister, under section 255(2.3) of the *School Act*, will appoint the first members of the FRA (South), taking into account the current boards’ recommendations.
- ii. Designation of Catholic and public schools
 - Under section 255.3 of the *School Act*, a Regional Authority must designate its schools as either Catholic or public. According to the *Act*, a school cannot be a blended school. **Schools that are currently administered by the public board will be designated as public, and schools currently administered by the Catholic board will be designated as Catholic.**
 - If the FRA opens a new school in a community within its territory, the FRA trustees will designate the school as Catholic or public following a consultation process involving members of that community.

b. Roles and responsibilities of the FRA (South) school board

1. Section 60 of the Alberta *School Act* defines a school board’s powers, roles and responsibilities.
2. Section 61 of the *School Act* recognizes a school board’s right to delegate some of its powers to any of its employees, a committee of the board, a school council or a joint committee

established under section 63, i.e., a committee established with another school board, person or municipality.

3. Section 255.5(1) states that a Francophone Regional Authority has the responsibility and the authority to ensure both the respect for minority-language rights under section 23 of the *Charter* and the protection of religious-instruction rights for the denominational minority.
4. In addition to these responsibilities, a Francophone Regional Authority also has the mandate to:
 - locate and inform all rights holders
 - operate and monitor francophone schools
 - open new schools as needed
 - ensure teaching in French
 - develop policies and practices intended to guide its administrative personnel
 - contribute to the intellectual, cultural, social and physical well-being of students, parents and staff
 - promote, develop and protect French-language teaching in its territory.
(*Guide for the Implementation of French-Language Education*, 2002)
5. The FRA (South) trustees must ensure that the rights of public and Catholic school parents are respected.
 - Within the FRA (South), trustees elected by Catholic parents must also form an independent corporation (section 255.4) to ensure respect for the rights and privileges associated with separate schools and guaranteed under the *Constitution Act, 1982*. This corporation will be called the “Catholic Trustees Corporation of the Francophone Regional Authority No. 4”.
 - The Catholic Trustees Corporation of the FRA has the authority and responsibility to ensure that the religious educational components guaranteed under the *Constitution Act, 1982* are respected (see Appendix B.)
 - Given that the chair and vice-chair are leadership positions within the FRA (South), it is recommended that a public trustee hold one of these positions and a Catholic trustee the other.
 - The superintendent must understand that he or she protects and respects the rights of both public and Catholic schools.
6. The superintendent’s qualifications, appointment, conditions of employment and termination of employment are subject to section 115 of the *School Act* and *Alberta Regulation 178/2003 (Superintendent of Schools Regulation)*.
 - With respect to the appointing and hiring process, the FRA (South) will have a policy in place for the hiring of the superintendent.
 - There is no mention in the *School Act* of whether a superintendent must be Catholic to be appointed as superintendent of an FRA. The new FRA will choose the best candidate to serve as superintendent.
 - In order to respect the mandate of the FRA (South) to operate Catholic schools, there must at all times be a Catholic assistant superintendent, one of whose tasks will be to manage the elements of catholicity in the Catholic schools of the FRA (South). To do this, the FRA (South) policies governing the catholicity of the Catholic schools (permeation) will be established by the Catholic Trustees Corporation. The assistant superintendent

will work closely with the Catholic Trustees Corporation and in collaboration with the superintendent in carrying out his or her mandate to manage the catholicity of the Catholic schools. It should be noted that a Catholic superintendent may choose to manage the elements of catholicity her- or himself.

c. Responsibilities of the Catholic Trustees Corporation of the FRA (South)

The Catholic Trustees Corporation must:

1. establish policies and guidelines to ensure full respect of the Catholic characteristic of students' education in FRA (South) Catholic schools
2. ensure that the Catholic schools offer quality faith-education programs
3. ensure that the FRA (South) implements a pastoral-activities plan that reflects and actualizes Gospel values in all the FRA (South) Catholic schools
4. ensure that FRA (South) hiring and transfer policies require that staff of the FRA (South) Catholic schools must primarily be Catholic and engaged in fostering and promoting the foundations of a Catholic education
5. ensure that the hiring criteria for the assistant superintendent, one of whose tasks will be to manage the elements of catholicity in the Catholic schools, require that this person be Catholic and engaged in fostering and promoting the foundations of a Catholic education
6. ensure that FRA (South) appointment policies for Catholic school principals and vice-principals require that these individuals be Catholic and engaged in fostering and promoting the foundations of a Catholic education
7. delegate, in collaboration with the superintendent, a representative to sit on the selection committee for Catholic school principals and vice-principals.

d. Roles and responsibilities of school councils under the new governance model

1. Section 22 of the *School Act* and the *School Councils Regulation 113/2007* list the tasks that school councils may undertake, including those delegated by the FRA. The main roles of a school council, according to the *School Act* and the *School Council Resource Manual*, are to consult with and advise the school principal. These roles and responsibilities will not change under the FRA (South).
2. Under the *School Act*, the process for establishing a school council will be defined by FRA (South) policies.

C. ADMINISTRATIVE STRUCTURE

- It is up to the school board, and not Alberta Education, to adopt the administrative structure of the FRA (South), provided this structure meets the requirements of section 60 of the *School Act*. (Appendix C describes the functions of the superintendent, assistant superintendents, secretary and treasurer).

Project to establish an FRA (South)

- When the FRA (South) is established, the contracts of employees of both southern FSBs will be transferred to the new FRA (South).

D. TRANSITION

a. Transfer of assets and liabilities from the two southern FSBs

1. To establish an FRA, the Minister must first dissolve the two existing FSBs, after which each FSB's assets (educational resources, equipment, infrastructure, financial resources, etc.) will be transferred to the new FRA (South).
2. There will be little change for school personnel. Teachers will continue to belong to the same professional organization, and teachers in Catholic schools must meet the same denominational requirements to work in a Catholic school. Support staff will continue to belong to the same union. After consulting their respective unions, teachers and support staff will participate in discussions aimed at determining how to modify and integrate their collective agreements.
3. The administrative personnel of the current school boards will become employees of the FRA (South), and their responsibilities and duties will be revised according to the needs and priorities of the FRA (South). The aim will be to streamline tasks in order to create specialized positions and add new positions dedicated to specific areas such as infrastructure, cultural activities, support for intercultural families, promotion, retention and recruitment, etc. A needs analysis of the new FRA will determine which of these areas will be targeted.
4. The FRA (South) will have a single central office; satellite offices may also be opened if needed.

APPENDIX A-1

Electoral zones

Southern region	Number of trustees	Electoral zones
West	1 Catholic trustee and 1 public trustee	West of the Queen Elizabeth highway (#2), including the city of Airdrie
City of Calgary	2 Catholic trustees and 2 public trustees	Calgary
East	1 Catholic trustee and 1 public trustee	East of the Queen Elizabeth highway (#2)

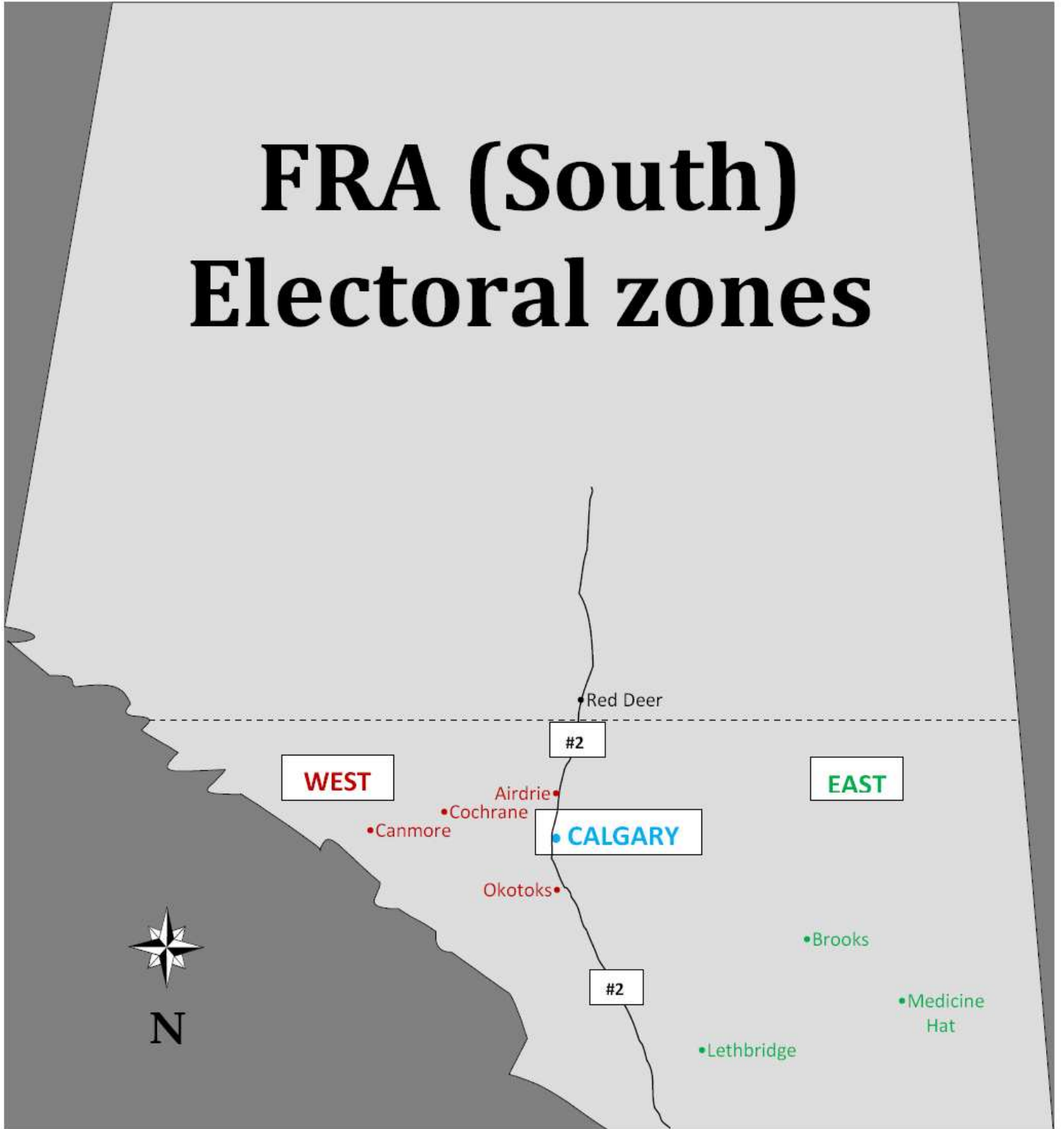
- West: 1 Catholic trustee and 1 public trustee
 - 2 Catholic schools – 171 students
 - 2 public schools – 217 students

- Calgary: 2 Catholic trustees and 2 public trustees
 - 2 Catholic schools – 654 students
 - 4 public schools – 713 students

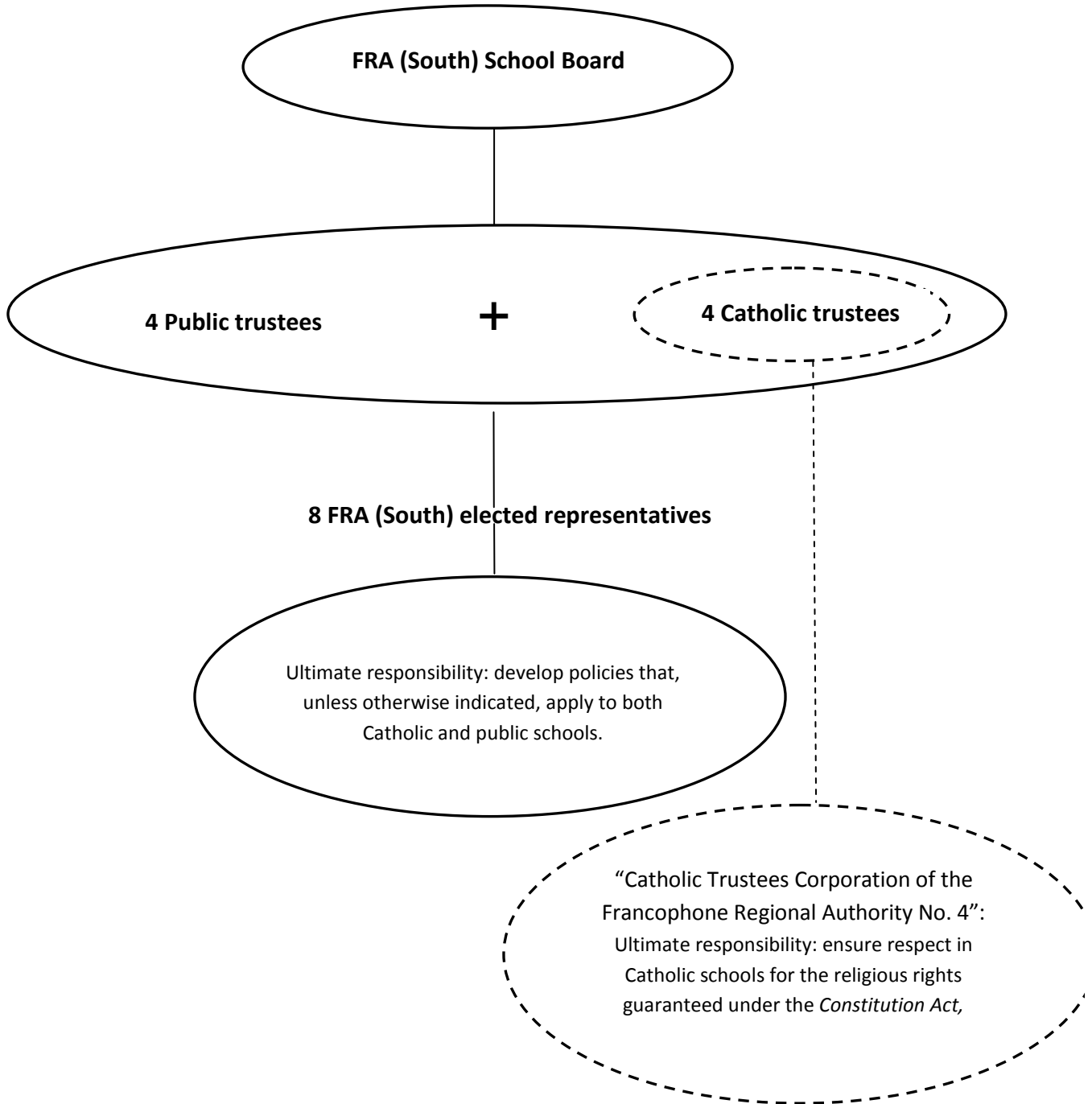
- East: 1 Catholic trustee and 1 public trustee
 - 3 public schools – 250 students

APPENDIX A-2

Map of FRA (South) electoral zones



APPENDIX B



APPENDIX C

Draft administrative structure

Description of key positions

Superintendent

The superintendent oversees the smooth functioning of the board. He or she is responsible for carrying out board resolutions and ensuring implementation of Alberta Education policies. The superintendent supervises the operation of schools and programs, and must ensure that students meet provincial standards. The superintendent must ensure that the board's fiscal management is in accordance with the requirements of the *School Act* and all other laws. He or she provides leadership at the board level for all important education-related matters. The superintendent need not necessarily be Catholic, though if the superintendent is Catholic, he or she may choose to manage the board's Catholic aspect or delegate this function to a deputy.

The superintendent is responsible for hiring the other senior administrators of the FRA. The superintendent's nominations for secretary, treasurer and assistant superintendents must be ratified by the board.

Secretary and treasurer

The superintendent must hire one or two people to fill the positions of secretary and treasurer of the school board. The following functions will be assigned to these positions: budget preparation, finance, payroll, building maintenance, transportation, communications, infrastructure and technology.

Assistant superintendents (2)

The superintendent will appoint two assistant superintendents and assign the following functions to one or the other: human resources, catholicity (the superintendent may assume this function), education consulting services, pedagogy, supervision of school principals, supervision of educational consultants, the Alberta Initiative for School Improvement (AISI) program, etc. One of the two assistant superintendents must declare him- or herself to be Catholic when hired.

APPENDIX D

Project stages

	Steps to be taken	Timeline
1	Second round of consultations.	Feb. 22 to March 25, 2010
2	Decision of the two current boards with respect to establishing an FRA (South).	April 2010
3	<p>If the boards' decisions are positive, submission of a request to the minister.</p> <p>Dissolution of the two regional authorities under section 257(1), and announcement to rights holders and interested parties.</p> <p>Establishment of a new FRA (South) by the minister — section 253(1).</p>	April 2010
4	<p>If the minister approves the project:</p> <ol style="list-style-type: none"> 1. Dissolution of the two regional authorities under section 257(1) and announcement to rights holders and interested parties. 2. Establishment of a new FRA (South) by the minister — section 253(1). 3. Appointment by the minister of the first members of the FRA (South) — section 255(2.3). 4. The minister approves the criteria for the designation of public and Catholic electors. 5. Designation of schools as public or Catholic —section 255.3. 6. Establishment of electoral zones — section 262(1). 7. Appointment of a superintendent — section 113. 	

APPENDIX E

Synthesis of perspectives of the groups consulted

- **School communities of the Conseil scolaire du Sud de l'Alberta**
 - **Students** — Students in senior high school (grades 10 to 12) were consulted.
 - The students expressed general support for the concept of establishing an FRA (South).
 - **Personnel**
 - The school principals expressed general support for the concept.
 - Roughly half the personnel expressed general support for the project, about a quarter expressed doubts about their chances of having equal access to jobs, and another quarter did not voice an opinion.
 - The CSSA's administrative team expressed support for the concept.
 - **Parents**
 - The parents consulted expressed general support for the concept, though some wish to see the governance model and administrative structure before taking a final position.

- **School communities of the Conseil scolaire catholique et francophone du Sud de l'Alberta**
 - **Students** — Students in senior high school (grades 10 to 12) were consulted.
 - The students expressed general support for the concept of establishing an FRA (South).
 - **Personnel**
 - The school principals expressed general support for the concept.
 - The school staff expressed general support for the concept.
 - The CSCFSA's administrative team expressed general support for the concept.
 - **Parents**
 - Roughly 40% of parents support the establishment of an FRA (South) without reservation.
 - The remainder want the school boards to continue examining the concept and develop the governance model and administrative structure for discussion during the second round of consultations.

APPENDIX F

Summary of consultations with the northern blended francophone boards

- A. Advantages of a blended board
 - a. There are savings of time, energy and money, and these savings go directly or indirectly back to students in the classroom. It costs less to bring in resources and events.
 - b. It is a system that does not divide the francophone community.
 - c. It avoids competition, putting the accent instead on pedagogy, identity building and the sense of community.
 - d. It enables us to recruit students who are attending English or immersion schools.
 - e. Our Board could not have existed without being “blended” (due to the small number of students in this board).
- B. Did parents ever request that your Board be dissolved in order to replace it with two autonomous boards — public and Catholic?
 - a. No (2). We attribute this to the fact that “blended” governance works very well.
 - b. Yes (1). A small group of parents claimed that the Catholic majority at the table could not make any decisions whatsoever with respect to a public school. With time, the lack of interest from the majority of parents in the school and a sense of fatigue, this group had to give up its demand.
- C. Challenges
 - a. How to get parents and the public to understand the differences between the two types of schools, and how to ensure equitable promotion between schools.
 - b. Requests to transfer students from one type of school to the other during the school year. We adopted a policy that deals specifically with this question.
 - c. Students wish to visit the other schools at least once a year.
 - d. Manage the imbalance that will exist between public and Catholic schools because of funds coming from casinos and other kinds of lotteries.
 - e. There are no major challenges.
 - f. Our challenge was to find a public trustee.
- D. Boards
 - a. It is important to show professionalism, respect, transparency and honesty at every step of the project, particularly with respect to Catholic education.
 - b. This is a win-win situation because it brings together francophone communities in a spirit of respect for denominational diversity.
 - c. This model has served us very well and functions very well in our region.

E. Synthesis

- a. The three northern blended boards are unanimous in stating that rapprochement/ amalgamation is “the best way to renew school governance under the circumstances. The Canadian Constitution can be respected in a Francophone Regional Authority.” The Alberta *School Act* ensures that each entity retains its legal responsibility, whether public or Catholic.

APPENDIX G

Map of francophone schools in Alberta

