

Getting Schooled

The new *Education Act* will come into force in Alberta for the 2015-16 school year, and will likely have significant implications for the practice of psychology in schools. Dr. David Piercey has outlined some of these changes, as well as potential implications which will be important to consider as we continue to promote best practices in school psychology within our province.

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On behalf of the PAA School Psychology Committee

Alberta's New *Education Act*

David Piercey, Ph.D.

Psychologists who provide professional services to families and their children may be interested in provisions contained in the new *Education Act*, which received royal assent on December 12, 2012, and is expected to come into force for the 2015-2016 school year.

The new Act comes about after some significant public stakeholder consultation, begun in 2008 under then Minister of Education David Hancock, and with an expressed desire to move public education in Alberta more into the Twenty-first Century. Some of us may be familiar with the work of Alberta Education in managing the "Setting the Direction" and "Inspiring Education" initiatives, and may even have contributed as private individuals or as parents to these forums and discussions.

Although a regulatory review is currently underway to flesh out new regulations to accompany the Act, and consultations on possible regulations continue to occur, there are a few key points in the new Act to consider. While it is recognized that these key points may be of interest to all psychologists, this article will specifically focus on the interests and implications for school psychologists.

Students with special needs are no longer defined as "special needs students." Instead, the Act defines them as students "in need of specialized supports and services", as follows:

(3) Where a student's behavioural, intellectual, learning, communication or physical characteristics, or a combination of any of them, impair the student's ability and opportunity to learn, a board may determine that the student is in need of specialized supports and services.

(4) ... a student who is determined by a board to be in need of specialized supports and services is entitled to have access to those supports and services in an education program provided in accordance with this Act that will give the student the opportunity to meet the standards of education set by the Minister.

{Responsibility to Students 11(3) and (4)}

Boards are now required to:

- (e) provide a continuum of specialized supports and services to students that is consistent with the principles of inclusive education,
- and:
- (f) collaborate with municipalities, other boards and community-based service agencies in order to effectively address the needs of all students and manage the use of public resources.

{Board Responsibilities 33(1)}

As boards consider their responsibilities here, school psychologists may discover an increasing demand for our provision of ongoing programming consultation and support, new expectations placed on us well beyond identification and diagnosis of those students for whom specialized programming is indicated.

A new area has been added on bullying, and was the contribution by Thomas Lukaszuk in his brief tenure as Minister of Education. In Section 31, headed “**Student Responsibilities**”, a student, “as a partner in education”, has the responsibility to:

- (e) refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means”,

Similarly, Boards must:

- (d) ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging”,
- {Board Responsibilities 33(1)}**

and:

- (2)**... shall establish, implement and maintain a policy respecting the board’s obligation under subsection (1)(d) to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behaviour.

{Board Responsibilities 33(2)}

In fact, the new *Act* proclaims the third week of each November as “Bullying Awareness and Prevention Week”, “to promote awareness and understanding of bullying and its consequences in the school community”. This addition to the act may create an increased opportunity to facilitate bullying awareness programs in schools, or assist with developing district-wide strategies for bullying prevention, which would then lead to implementing evidence-based strategies, and evaluating effectiveness, within a program evaluation model.

Parents have been given enhanced roles and responsibilities. In recognition of their primary role in determining children’s educational needs, they are expected to make informed decisions respecting the education of their children, and to play an active role in their children’s

educational success, working cooperatively and collaboratively with schools in ensuring their children are given opportunities for success. In Section 32, headed “**Parent Responsibilities**”:

- 32** A parent has the prior right to choose the kind of education that shall be provided to the parent’s child, and as a partner in education, has the responsibility to:
- (a) act as the primary guide and decision-maker with respect to the child’s education.

In concert with these enhanced parent roles, school psychologists may face an increasing role in explaining possible programming alternatives to parents, or in advocating for their expectations with school administrations.

Other Changes

The right of access to education increases from those who are younger than 19 on or before September 1 of any given year to now include those who are younger than 21. Thus 19 and 20 year olds may continue their schooling, being given two year’s additional time to perhaps graduate, return to school, or receive additional schooling supports in transition to adult life. Although such students do not necessarily have a right to attend the same schools with students ages 16-18, school boards must find ways to accommodate the needs of these older students. The age of compulsory attendance at school also increases from 16 years of age to 17 years of age (unless the student has fully graduated from high school before age 17), in an attempt to ensure a broader range of competencies have been taught by the time the student chooses to leave school. These age changes may provide increased opportunity to be involved in new programs designed to accommodate students who would have previously left their schooling earlier, perhaps in counselling, or in developing transition plans.

Finally, school boards have now been given “natural person powers”; that is, the legal authority to make decisions any natural person may do. Such provisions already exist for other public organizations, and this is something the Alberta School Boards Association lobbied hard for, as it gives them more discretionary powers in making decisions. It probably also brings greater responsibility to act in the best interests of each student on a case by case basis, as any parent or guardian would reasonably be expected to do. For school psychologists, this is an area where our expertise may be particularly warranted and whereby we can increase our participation in programming decisions for students with complex programming needs.

Conclusion

The new *Act* does contain important changes which **may**, in the long run, lead to better supports and services for all children with a demonstrable need for enhanced supports and services, better decision making on the part of school districts working more collaboratively with parents, school psychologists, and other key stakeholders, and greater accountability for such decisions. Perhaps the urban-rural disparity in access to appropriate professional services, as anecdotally reported by parents in rural areas, may eventually disappear, as well as the “we have no money for testing or counselling” refrain.

We would also hope the new *Act* may lead to school psychology having a greater voice in the services and supports our families and their children receive from all schools. This may lead to more timely identification of complex learning and behavioral needs, to the utilization of clinically-trained psychologists for school counselling; and otherwise to the enhanced utilization of sound, research-based, psychological strategies in public education.

Education Act (2013) Edmonton: Alberta Queens Printer (found at:

http://www.qp.alberta.ca/1266.cfm?page=e00p3.cfm&leg_type=Acts&isbncln=9780779769346#referenc
[es](#), October 10, 2013)