

10. FRANCOPHONE SCHOOLS GOVERNANCE

The new Francophone School Division (Division scolaire franco-manitobaine No. 49) initiated operations in September, 1994. It consists of 20 individual schools (or portions thereof), ranging from St. Lazare at the western extremity to La Broquerie in the southeastern part of the province. The most northerly locations are St. Laurent and Powerview and the most southerly is St. Jean-Baptiste. There are 6 schools in Winnipeg and 14 schools beyond the metropolitan area.

These twenty schools joined the new division as a result of a vote of parents of eligible students. Although management is handled totally by the new divisional administration, the funding for its operation is slightly different from other school divisions. Regular provincial grants are paid on a per student basis as in other divisions but no special levy taxing powers are available. The new division will be dependent upon transfer of proportional amounts of special levies from the home divisions based on student counts.

The new division has mandated advisory councils for each school. Parents elect 33 regional representatives from which the 11 member school board is formed via internal nominations from each region. Bussing is achieved through arrangements with existing and remaining school divisions in order to avoid duplicating bus fleets and routes.

From the Boundaries Commission review perspective, the important aspect of the new division was its effect on existing divisions. Since divisions effectively lose the schools, the student count and the grants that accompany them, there is a direct effect on the residual operations. In some cases where only one school in the division has been transferred, the effect may be minimal. However, in some divisions such as Red River School Division No. 17, the effect is in the range of 45%.

Figure 36 on the next page displays the divisions which were affected by the formation of the new division, the projected change in student numbers and the magnitude of down-sizing. Because of the timing of this report, verified numbers were not available. Consequently divisional figures represent 1993 numbers and the school populations for transferred students were 1994 preliminary figures. Nonetheless, the relativity in the statistics remains significant.

PROJECTED EFFECT OF THE FRANCOPHONE SCHOOL DIVISION
ON EXISTING DIVISION SIZES

Existing Division	September 30, 1993 Divisional opening enrollment	September 30, 1994 Preliminary student transfers	Approximate number of students remaining	Enrollment change %
St. Boniface No. 4	6,051	1,172	4,879	-19.4%
St. Vital No. 6	10,278	510	9,768	-5.0%
Norwood No. 8	1,326	262	1,064	-19.8%
Agassiz No. 13	2,964	43	2,921	-1.5%
Seine River No. 14	5,144	1,229	3,915	-23.9%
Red River No. 17	1,199	532	667	-44.4%
White Horse Plain No. 20	1,102	64	1,038	-5.8%
Mountain No. 28	1,198	318	880	-26.5%
Birdtail River No. 38	1,520	138	1,382	-9.1%
Total	30,782	4,268	26,514	-13.9%

Figure 36

OBSERVATIONS ON FRANCOPHONE SCHOOLS GOVERNANCE

- 9 existing school divisions have been affected by the formation of the new Francophone School Division.
- 20 schools (or portions thereof) have been transferred from existing jurisdictions.
- Approximately 4,300 students are involved in the transfers to the new division.
- The effect on existing divisions ranges from a low of 43 students in the Agassiz School Division representing less than 2% to almost a 45% reduction in Red River School Division where 532 of its original enrollment have been transferred.
- Other major effects are seen in Mountain School Division with a loss of approximately 27% of its students, Seine River School Division with a loss of approximately 24%, Norwood School Division with a loss of approximately 20%, and St. Boniface which has experienced a loss of over 19%.
- Of the 9 divisions affected:
 - (1) 5 now have less than 1,400 students
 - (2) 2 now have less than 900
 - (3) Only 1 is over 5,000 students
- Removal of the francophone schools and programs may adversely affect resources previously available to French Immersion programs.

CONCLUSIONS ON FRANCOPHONE SCHOOLS GOVERNANCE

- The creation of the new Francophone School Division has seriously affected the viability of the residual portions of at least 5 of the 9 contributing divisions which have lost as much as 45% of their students to the new division.
- When combined with other demographic and socio-economic changes, the cumulative effect of the loss of approximately 4,300 students from the nine divisions necessitates a review of each of them - some because they are no longer viable as individual entities and others in the context of programming and relationships with adjacent areas.
- Immersion programs remain the responsibility of existing divisions. Français will also continue in many schools that did not vote to join the new francophone division. Therefore, French services will still be required beyond the 'Division scolaire franco-manitobaine' and care will be needed to avoid duplication of resources.
- New partnerships may be required to support Immersion programming in the remaining divisions.

11. STRUCTURE OF EDUCATION GOVERNANCE

As part of its terms of reference, the Boundaries Review Commission was requested to determine and recommend the best governance structure which would:

- (a) further educational excellence
- (b) facilitate effective and efficient program delivery and development in the public school system
- (c) facilitate the goals of education of the province and ensure that education reflects principles such as equity, openness, responsiveness, excellence, choice, relevance and accountability
- (d) ensure flexibility in student movement between and among divisions
- (e) acknowledge the increasing applicability of technology to facilitate program delivery
- (f) foster partnership between/among government, community, parents, labour, business and industry
- (g) receive public acceptance

In determining its recommendations for the best governance model, the Commission was mandated to review the roles and responsibilities of schools, divisions/districts, the Department of Education and Training, advisory committees, elected officials and mechanisms to allow for parental input. At the present time the Minister presides over a Department of Education and Training which is intended to provide central provincial direction for public education. Education at the local level is governed by school divisions. There are 57 school divisions/districts in Manitoba at the present time and all but Pointe du Bois School District have a board of elected school trustees. Including the new francophone division, there are now 493 elected officials. The number of school board members per district or division ranges from 5 to 12 with the most common being 9 and 11. The Public Schools Act of Manitoba limits the number of trustees to 11. Two divisions actually exceed the legal maximum for school trustees.

Most school boards operate on a ward basis with each trustee elected to represent a specific geographical area. However, most special revenue and remote school districts as well as St. Boniface, Norwood, and St. Vital school divisions elect their trustees at large. There is a very wide range in representation ratios amongst divisions. For example, St. Boniface School Division No. 4 which has approximately 6,000 students* is governed by 5 trustees. Churchill School District No. 2264 with less than 250 students has 5 trustees. Winnipeg School Division No. 1 has nearly 35,000 students and is governed by 9 trustees. Antler River School Division No. 43, Pembina Valley School Division No. 27 and Boundary School Division No. 16 each have 11 trustees and less than 1,000 students.

* St. Boniface drops to approximately 4,900 after the creation of the francophone school division.

The role of trustees also varies amongst jurisdictions. In many rural areas where the stipend paid to trustees is very low, the locally elected official is basically a volunteer devoting time in addition to other responsibilities. In some urban school divisions, the positions are compensated on a much higher basis and for some the role borders on a full-time commitment. In smaller rural areas, the trustee is usually accessible throughout the community and is constantly accountable in places like the local coffee shop, curling club or arena. In the major urban centres, the number of electors is much greater and personal contact with trustees is, by necessity, on a more formal basis.

The following figure displays the number of divisions and districts at each board size expressed in numbers of elected officials.

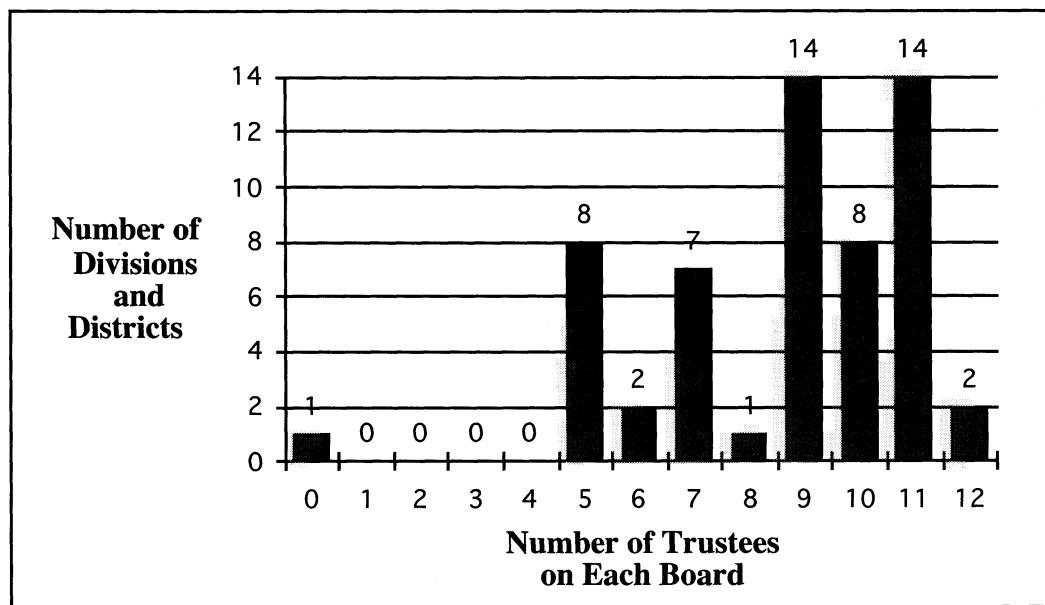


Figure 38

There is no requirement for a superintendent set out in the present Public Schools Act. It does, however, require that a secretary-treasurer be appointed by the board. This is presumably a carryover from the early days when school trustees were expected to be very 'hands-on' and effectively manage the local education system. The secretary-treasurer to the board handled both the secretarial functions of the board itself and all of the business and financial related issues. Throughout the years, the role of the educational leader or superintendent has evolved to take the primary leadership role. In 10 school divisions, the roles of the secretary-treasurer and superintendent are now filled by the same person. In most cases, the superintendent is recognized as the primary education and administrative leader in school divisions and districts.

However, there are still some instances where the roles of superintendent and secretary-treasurer are considered equivalent and where both report directly to the school board.

While wanting to respect the autonomy of school boards in their role as an employer, it is the Commission's view that the evolution of management structure within school divisions should move towards the superintendent being the chief executive officer. In this age of increased accountability, it is important that one person be in charge of the entire administrative organization. It is not uncommon in any business or governmental structure to have areas of responsibility headed by individual competent staff. However, the administration should be accountable to the board through one individual only. Minimum accounting capability requirements should be established for the individual in charge of the business side of the operation.

There has been substantial discussion in the past few years concerning the role of parents in schools and their participation in school advisory councils or some other form of home and school committees. Throughout the Commission hearings, it was evident that parents want to play a more active role in the education of their children. However, this did not translate to a demand for managerial powers over the education process. On the contrary, parents appear to want to be involved and informed but they respect the role of teachers and principals as being the primary source of education and administration in their schools. Elected school boards are recognized as having overall divisional responsibility and accountability to the taxpayer.

From an October, 1994 survey performed by the Manitoba Association of School Trustees, it was reported that 86% of all schools have some form of parental involvement. The roles of these committees range widely from that of fundraising to full participation in establishing local school policies. The existence of such committees, their roles, responsibilities and limitations are not clearly identified provincially, thus there is a myriad of approaches. There is a high level of desire for a more uniform process that will delineate roles more effectively.

The Commission noted during its tours that there is now a higher level of parent and guardian participation in the classroom than in previous years. Divisions related numerous instances where parents are volunteering not just for extracurricular activities, but for assistance in the classrooms. While this is happening on a positive basis in most places, many other parents expressed the desire to participate but did not yet feel welcome either by administration or teachers who appeared skeptical about the real reasons for the parents desire to be involved. A fear expressed on a number of occasions by teacher associations related to the potential for

parent councils to become involved in hiring, evaluation and dismissal of staff. While the majority of teachers expressed the desire for parents to become more involved, they felt that evaluation, hiring and dismissal should be left in the domain of divisional administration, the school principal and the boards of trustees.

Most principals and the Manitoba Association of Principals, as expressed in its presentation to the Commission, welcomed the advent of more active parent advisory councils. They too indicated a desire for more precise guidelines relating to the make-up and jurisdiction for such councils. Most school boards and the Manitoba Association of School Trustees supported the existence of advisory councils but cautioned that the role should be purely advisory and not circumvent or displace any authority of the elected school board.

The Commission reviewed information on advisory councils from across North America through its research of previous publications and through its direct contact with all other provinces and territories. Across Canada, 6 of 12 provinces and territories have legislated school councils. Two others are introducing legislation or are implementing them at the present time. Manitoba legislation requires local school committees for Frontier School Division and school advisory councils for the newest division, the 'Division scolaire franco-manitobaine No. 49'. Traditionally schools providing Français or French Immersion have enjoyed strong parental involvement.

Some rural areas that have no local school committee expressed fear of being required to put one in place since the small number of local volunteers were already extremely committed in terms of time. It was stated that due to the accessibility of elected officials, there appeared to be less need for a local school council in these areas. This opinion was not shared by all but did appear in a number of presentations.

It was argued in some presentations that the role of the principal should be amplified in the future, not only as an educational leader but as a manager of the entire school facility in conjunction with his/her staff at the school and supplemented by the advice of a local advisory council. It was further suggested that school boards need to be less fearful of slight variations within their jurisdiction. The point was made that creativity and excellence are sometimes stifled by policies which are designed to make everyone the same i.e., how often one hears the reason for denial of a proposal summarized as "if we do it for you, we'll have to do it for everybody!". This position reaffirms the Commission's definition of equity and equality. With more freedom of choice within the system, individual schools would need to become more competitive.

Schools may also need more autonomy to develop their own identity and thus, while there needs to be homogeneity with respect to core curricula, the freedom to excel must be nurtured.

Regardless of its size, a school division should be under the jurisdiction of locally elected school trustees. However, the role of the school board must be policy related and they must not get involved in the daily administrative functions of the superintendent and other educational and support personnel. With the potential for larger geographical school divisions encompassing greater numbers of both students and electors, elections should be based on a ward structure to ensure a reasonable distribution of representation. Wards should be created such that the numbers of electors in each ward are relatively equal although there may have to be exceptions to this principle if geographic separation and density issues make this impractical. The minimum and maximum number of trustees per division should be legislated with the local jurisdiction determining the actual number and ward distribution.

The Minister and Department of Education and Training need to assume a stronger role as the provincial policy making body for education in Manitoba inclusive of standard provincial curricula, standards of achievement and standards for teaching staff. The Department's role in recent years with respect to curricula was criticized frequently during public meetings and there were many suggestions that a more supportive approach is needed.

The Commission applauds the recent cooperative efforts of Manitoba and the Western provinces in developing joint curricula. It appears very wasteful of both time and resources for each to develop its own when a more standardized approach can be obtained jointly. A desire expressed frequently has been to reach the point where Manitoba students can compete internationally. Obviously, if we have multiple sets of curricula across Canada, it is virtually impossible to make any national, let alone international comparisons. It is also important to recognize that true standardization is impossible at the classroom level if we continue to force educators to deal with all levels of capability simultaneously.

Occasionally, there were claims that the Department has not articulated clear goals and pathways to achieve those goals. These claims must be viewed in the context of local jurisdictions resenting centralist intervention in school division operation. However, it is apparent that the will of most parents, educators, administrators and trustees is that the Department must chart a clear, understandable course for the future of education in Manitoba. The expectations are high and Manitobans are demanding and anticipating standards and accountability, at all levels in our education system.

OBSERVATIONS ON EDUCATION GOVERNANCE

- 57 school divisions and districts exist in Manitoba as of November, 1994, 56 of which have elected school boards.
- 493 elected school trustees govern those divisions and districts.
- The number of trustees per division/district ranges from 5 to 12 with the most popular sizes being 9 and 11.
- There has been very little change in board make-up since their creation following the 1959 boundary commission.
- All divisions and districts have a secretary-treasurer which is required by the Public Schools Act.
- 10 school divisions have a joint superintendent/secretary-treasurer to fill both roles.
- Some small districts have the principal of their only school acting as the superintendent as well.
- In Canada, 8 of 12 provinces and territories either have or are installing legislatively based school advisory councils.
- In Manitoba, 86% of schools have some form of advisory committee involving parents.
- 96% of urban schools in Manitoba have a form of parental involvement.
- Schools that do not have a parent council are:
 - a) usually a junior or senior high school
 - b) usually in smaller rural areas where community volunteer leaders already have numerous other methods of contact as a part of their regular lives.

CONCLUSIONS ON EDUCATION GOVERNANCE

DEPARTMENT OF EDUCATION AND TRAINING

- The Minister and Department of Education and Training must provide a strong leadership role in setting educational policy for the province focussing on but not restricted to the following major areas:
 - a) establishing approved curricula
 - b) setting acceptable standards of achievement
 - c) qualification and certification of teachers
 - d) providing the majority of funding for approved public education

SCHOOL BOARDS

- A governance structure including elected local school boards should be reconfirmed.
- School boards should have local autonomy within the limitations of provincial curricula and standards to provide and be accountable for operation of their school divisions.
- School boards should continue to have local taxing powers as long as property is used as a source for education funding – to aid in local accountability.
- School boards should maintain the right to select and employ their senior staff.
- School boards should be elected on the basis of a ward system with no less than 5 and no more than 9 trustees per school board.
- Wards should have similar numbers of electors with exceptions only due to very disjointed or separated portions of a division where numbers may be lower to ensure representation from that area. This would apply primarily to Northern areas.

SUPERINTENDENT/SECRETARY-TREASURER

- Each division should have a single chief executive officer appointed by and responsible directly to the board of school trustees and accountable for the entire operation of the division. Key requirements for this position will include the ability to blend strong educational leadership with modern day business practices of managing a complex public organization.
- Standards respecting the minimum qualifications of the individual responsible for the accounting/business management should be set by the Department after consultation with the Manitoba Association of School Business Officials, the Manitoba Association of School Superintendents, and the Manitoba Association of School Trustees.

CONCLUSIONS ON EDUCATION GOVERNANCE CNTD.

SCHOOLS (PRINCIPALS, TEACHING STAFF, ADVISORY COUNCILS)

- School principals should be responsible and accountable for their schools in both educational and business management terms. As such, they should be allowed to work closely with their staff and their local school advisory council in determining the direction of their school.
- Improved training options and requirements need to be established for individuals seeking to aspire to educational administration positions.
- Schools need to be recognized as community facilities incorporating primarily education but also some appropriate health and social services where such services can be delivered on site more effectively and economically. School and public libraries should be much more integrated and preferably jointly located at schools where individual viability of each is questionable.
- Vertical integration of services to the child must be improved together with rationalization of the funding in order to avoid the "education versus health" arguments. In some instances it makes more sense to bring the providers of service to the school than to transport all the students at different times to these other services. However, the funding across provincial department lines must be rationalized so that the schools and school divisions do not fall heir to funding multiple services from an "education budget". The goal should be to provide appropriate services at the appropriate site with integration of services and matching funding.
- School advisory councils should be authorized by enabling legislation as opposed to being dictated by legislation. If there is no local interest or need then a council should not be imposed. However, if there is local interest, then the principal, superintendent and school board should be required to initiate its inception.
- The school advisory council should typically consist of:
 - a) principal
 - b) teaching staff
 - c) support staff
 - d) student (where appropriate)
 - e) parents
 - f) community members

The number of parents should at least equal the total of the other members of the committee.

- The school advisory council's role should be advisory to the principal including the following responsibilities:
 1. to promote communication and coordination among people with an interest in the school.
 2. to review and make recommendations regarding school objectives, educational priorities, courses of study and other matters required for the effective functioning of the school.
 3. to make recommendations regarding the local school budget and its subsequent use and distribution.

CONCLUSIONS ON EDUCATION GOVERNANCE CNTD.

4. to advise the principal and through him/her the school board respecting any matter relating to the school itself such as:
 - curricula and programs offered
 - scheduling, school calendar, school opening and closing hours
 - before and after school and noon hour operational policies
 - timing of exams, extra-curricular activities, field trips, etc.
 - student discipline and behaviour
 - attendance and truancy policies
 - fundraising priorities and approaches
 - community access to school facilities
 - school based non-educational services (such as social, recreational, health and nutritional)
 - parent-school communication and parental access to information on their children
 - reporting methodology of student achievements and standards
 - effectiveness of the school in meeting its objectives
 5. to participate in an advisory capacity only, in staff selection if board policy allows for and encourages such participation.
 6. to provide advice on any other matter that has a significant impact on the day to day life or financial resources of the family, or the child's quality of life in the school environment.
- Teachers, as the single most important element in the delivery of education, must be allowed and encouraged to play a strong role in the operation of the school and especially as participating members of the aforementioned school advisory council. The original educational team involving parents and teachers for the benefit of the student must be rejuvenated and nurtured.

12. ADMINISTRATION AND PERSONNEL MATTERS **AND DISTRIBUTION OF ASSETS**

The most sensitive issues involved with any type of organizational change are those pertaining to the individual concerns of staff and employees. This is true both in anticipation of and during periods of restructuring.

The Commission noted in its *Discussion Document* that anxiety extracts an expensive toll from people in systems anticipating change. It was very evident to the Commission during its 58 public meetings that anticipation without knowledge can be more taxing than working through change itself. The dynamics of successful change incorporate timely consultation, decision-making and expeditious implementation.

A major aspect of school division administration relates to employment contracts. The Manitoba Teachers' Society (MTS) represents the majority of professionals in the education system via individual contracts between teaching staff and school divisions or districts. In addition to MTS, there are at least 22 groups representing other sections of unionized employees including the following:

Assiniboine South Association of Non-Teaching Employees	Manitoba Food and Commercial Workers
Association of Commercial Technical Employees	Manitoba Government Employees Union
Canadian Union of Public Employees	River East Library Technicians Association
Fort Garry Library Technicians	River East Paraprofessional Association
Fort Garry School Secretaries Association	Service Employees International Union
Interlake Association of Non-Teaching Employees	Seven Oaks Paraprofessional Association
Interlake Bus Drivers Association	Transcona-Springfield Bus Drivers Association
International Brotherhood of Electrical Workers	United Association of Plumbing & Pipe Fitting Industry
Lord Selkirk Board Office Association	United Brotherhood of Carpenters and Joiners
Lord Selkirk Bus Drivers Association	United Steelworkers of America
Manitoba Association of Non-Teaching Employees	Winnipeg Association of Non-Teaching Employees

Of the 57 existing school divisions and districts, 15 have no unionized workers beyond the teaching staff. School divisions and districts with non-union support and service staff include the following:

Rhineland No 18	Mountain No. 28	Antler River No. 43
Morris-Macdonald No. 19	Tiger Hills No. 29	Western No. 47
Midland No. 25	Beautiful Plains No. 31	Frontier No. 48
Garden Valley No. 26	Pelly Trail No. 37	Churchill No. 2264
Pembina Valley No. 27	Souris Valley No. 42	Sprague No. 2439

While there are not major differences in compensation levels among contracts, there are individual contracts with each school division which incorporate a variety of benefits packages. It is important that any contemplation of change involving integration of operations must be sensitive to these variations. Integration of unionized organizations presents one set of challenges whereas integration of union and non-union organizations presents a different set of challenges.

The expiry date of the majority of contracts for teaching staff throughout the province is December 31, 1994. While several contracts are still in the final stages of negotiation and/or arbitration, it is anticipated that virtually all will terminate at the end of 1994.

There are 75 existing collective agreements for non-teaching employees spread amongst 42 divisions and districts. Of those agreements 53 terminate on December 31, 1994. Only 13 of the remaining 22 others extend into 1995 and the majority of those terminate at the end of April, 1995.

All school boards, unionized and non-unionized employee groups have been monitoring the progress of the Boundaries Review Commission carefully since they are cognizant of the implications of potential change. It is anticipated that forthcoming negotiations will be very mindful of the Commission's recommendations especially as they pertain to the integration of existing units.

In addition to the differences in compensation and existing benefits, there are also differences in pension plans. For example, there are currently three different pension plans covering Canadian Union of Public Employees (CUPE) members: the St. James-Assiniboia plan, the Winnipeg School Division plan and the Manitoba Association of School Trustees (MAST) plan. The first two are defined benefit plans similar to those applicable to the vast majority of public sector workers in Manitoba. The MAST plan is a money purchase pension plan and is available to the remaining school divisions in the province. There are 44 divisions participating in these plans at the present time, which means that more than 10 divisions have no pension plan at all. The plans for Winnipeg and St. James-Assiniboia are available to all employees, full-time and part-time. All employees may voluntarily enroll even if they do not meet the mandatory enrollment criteria. In the MAST plan, some classes of employees are not able to enroll on a voluntary basis.

This myriad of contracts, representative associations and unions, together with the variety of compensation, benefits and pension packages is unique among Manitoba's public services. In

each of the provincial health care sector, municipal sector, provincial government employees and crown corporation sectors, there is more uniformity in both employee representation and in pay and benefit plans. In each of these sectors, public employees are covered by a single defined benefit pension plan with the exception of the large Winnipeg urban hospitals where two separate health care plans exist. Teachers also are covered by a single defined benefit plan insured by provincial legislation.

The question is, what happens to salaries and benefits of individuals involved in any change of jurisdiction or integration of school divisions brought about by changes in boundaries? The most practical approach to this dilemma would appear to incorporate the following major components:

1. Adequate notice by the Minister of Education and Training as to implementation dates for any proposed changes.
2. Consideration by negotiation teams of future implementation dates for change and attempts to match contract dates as much as possible in order to minimize future problems.
3. Employees should be allowed to carry their existing contracts with them into any new organization with all rights honoured until the expiration of that existing contract.
4. Free and uninhibited negotiation of a new collective agreement between the new employer and employees included under the jurisdiction of the new employer.

The Commission noted that there was virtual unanimity amongst both union representation and school division management and trustees on the methodology for ensuring that an orderly transfer takes place should there be changes. Due to their personal involvement, it is strongly recommended that details of such arrangements be consummated inclusive of the advice of the educational associations, unions representing organized employees and some representation from non-unionized employees.

Special consideration must be given to non-union staff who do not have collective agreements. This is especially applicable to superintendents and secretary-treasurers who enjoy very senior positions in existing school divisions and who potentially could be affected by rationalization of the number of school divisions. Again, the Commission must emphasize the need for substantial notice respecting the implementation dates of any proposed changes. Individuals in the senior management roles have usually expended considerable time, effort and cost to achieve the educational and experiential repertoire to fill these important roles. Since there will likely be less requirement for senior management roles in rationalized education governance, ample opportunity for preplanning of changes is necessary. It would also be advisable for any divisions

which are contemplating changes at their senior management level to make such appointments in anticipation of the potential for future change. By a combination of proper planning, reasonable notice and participation, the anxiety and cost of change can be minimized.

Another issue that arises out of contemplation of organizational changes respects assets presently owned by individual divisions and financial reserves that may have accumulated. During the formation of the new francophone school division, debates have arisen as to the ownership of reserve funds accumulated by school divisions. The Commission is aware that there are differences of opinion respecting actual ownership and expected distribution methodology. It is impossible to isolate the source of accumulated surpluses since they are the result of combination budgets financed from provincial funding and local special levies together with any other sources of income such as residual fees or tuition fees. The Commission believes that the actual ownership of any surplus belongs to all the taxpayers in each school division. The Commission further believes that the existing school board has the right to utilize its surplus as it sees fit prior to any proposed changes in divisional organization, that is the division could choose to utilize all of its reserve to minimize the requirement for local special levy or it could use its reserves to buy equipment or to finance programs or any other legitimate educational purpose. The Commission does not believe, however, that it would be wise for school divisions to spend any of its surplus money on administration offices or any other administrative facilities until such time as the Minister of Education and Training and the Provincial Cabinet have determined the future direction subsequent to the Boundary Commission recommendations. Due to the potential for changes and in order to ensure that all participants in any new proposed organizational structure have an opportunity to participate, it is imperative that no new non-educational structures be initiated in the interim.

Any assets owned by divisions at the time they become part of a new organization should merely be brought with them to that new organization. Any reserve funds remaining at that time and school facilities would be integrated into the new division. The simplest approach involves assets being transferred in accordance with new geographical boundaries approved. Where a division does not join a new configuration relatively intact, for example, if it is substantially severed or dissected, then the distribution of any surplus should be made on the basis of the relative, portioned assessment used for the special levy in the original division prior to transfer. In this way, the taxpayers in each portion should benefit on an equal basis.

OBSERVATIONS ON ADMINISTRATION AND PERSONNEL MATTERS

- Senior staff of school divisions/districts are hired individually and are not collectively represented.
- Professional teachers are represented by locals of the Manitoba Teachers' Society and are employed via contracts with individual divisions/districts.
- Non-teaching staff are represented by at least 22 different associations or unions in 42 divisions/districts incorporating 75 separate collective agreements.
- Fifteen divisions/districts have non-unionized non-teaching staff.
- Virtually all teacher contracts and most other collective agreements terminate at the end of 1994.
- Contracts contain variations in pay levels, benefits packages and pension plans.

CONCLUSIONS ON ADMINISTRATION AND PERSONNEL MATTERS

- Any changes to school divisions and districts which will affect staff must be approached respecting the cost of anxiety such change will precipitate.
- Intended changes adopted by the Province should be communicated well in advance of actual change to allow for appropriate planning and preparation, such reasonable notice to be expressed preferably in years or school terms rather than in a matter of months.
- Negotiators of future contracts should be knowledgeable of and give consideration to planned change dates and attempt to correlate expiry dates of contracts in order to minimize future problems.
- If contracts extend beyond the change implementation dates then the provisions of those contracts should remain in effect until their expiry. Subsequently a new collective agreement should be negotiated between the new school division and its employees.
- Assets including schools and any surplus funds at the time of implementation of change should simply accompany divisions or districts into the new division. Any subdivision of assets required by changes that involve dissection of an existing division to the extent that schools are involved, should be done on the basis of fractionating the pertinent, portioned, special levy assessment. This will ensure fair treatment of all taxpayers in the previously existing divisions or districts.