

November 7, 2019

Mr. Rob Fowler, Chair  
District Education Council  
Anglophone South School District  
490 Woodward Avenue  
Saint John, NB E2K 5N3

Dear Mr. Fowler:

Subsequent to my letter dated September 25, 2019 in which the District Education Council for Anglophone School District-South was requested to comply with the *Education Act* and submit a balanced expenditure plan prior to October 11, 2019 I would like to advise you of the following measures to address the situation.

I was disappointed that the DEC failed to comply with their legislative duty to submit a balanced expenditure plan, as per section 36.9(4) of the *Act*.

A District Education Council shall establish, implement and monitor a district expenditure plan for the school district for which the District Education Council is established, and shall submit it to the Minister by July 1 of each year.

I would like to now inform you that under section 40.3(2) of the *Education Act*, and consistent with section 50.2 of the *Act*, I am proceeding with the following corrective action. I will accept the proposed balanced expenditure plan that was put forward to the DEC by the school district in September 2019 as a model of expenditure guidelines for ASD-South for the remainder of the fiscal year.

40.3(2) Where a District Education Council fails to comply with a request of the Minister to take action under subsection (1) or subsection 40.2(3) within the time specified in the request, the Minister may take such corrective action as the Minister considers necessary.

50.2(2) The Minister may (a) revise the budget provided under subsection (1), and (b) establish guidelines respecting the expenditure of the budget provided under subsection (1), or any revision of the budget under paragraph (a).

.../2



Mr. Rob Fowler  
November 7, 2019  
Page 2

50.2(3) A District Education Council may expend (a) in accordance with such guidelines as may be established by the Minister under paragraph (2)(b), such sums of money as are provided in the budget under subsection (1), or any revision of the budget under paragraph (2)(a).

Further, in order to ensure that this proposed expenditure plan is appropriate to the needs of students in the school district, a monthly monitoring schedule will be established between relevant department and district staff, as per section 50.2(6) of the *Act*. The monthly monitoring will occur for the remainder of this current fiscal year but this arrangement may be revisited should the DEC approve a balanced expenditure plan.

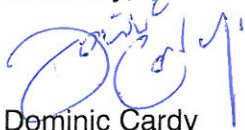
50.2(6) The Minister may, at the discretion of the Minister, examine the financial accounts and records of a District Education Council referred to in subsection (5).

These actions are taken to correct the action taken by the DEC in failing to approve the proposed balanced expenditure plan. These are taken in the best interest of students and to ensure consistent and responsive programming and services. Please be further advised that if these measures do not result in a long-term response to this non-compliance, additional measures may be imposed, up to and including consideration of dissolution of the DEC, as per section 41(1) of the *Act*.

41(1) The Minister, with the approval of the Lieutenant-Governor in Council, may apply by Notice of Application to a judge of The Court of Queen's Bench of New Brunswick to dissolve a District Education Council if, in the opinion of the Minister, the District Education Council (b) fails to comply with the provisions of this *Act* or the regulations within a reasonable period of time after being advised by the Minister of the provisions of this *Act* or the regulations with which the District Education Council has failed to comply.

I trust that these actions will be received in the spirit of collaboration and open dialogue. I respect the mandate of the District Education Councils and the role you play in local governance.

Sincerely,



Dominic Cardy  
Minister

C. Mr. Robert Penney, Assistant Deputy Minister, Corporate Services (Division), EECD