

1976 Bill 210

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 210**

AN ACT TO AMEND THE SCHOOL ACT (NO. 2)

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MR. NOTLEY

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First Reading .....

Second Reading .....

Third Reading .....

Bill 210  
Mr. Notley

## BILL 210

1976

### AN ACT TO AMEND THE SCHOOL ACT (NO. 2)

(Assented to \_\_\_\_\_, 1976)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The School Act is hereby amended.*
2. *The following section is added after section 136:*

**“136.1** (1) For the purposes of this section “handicapped child” shall mean a child who has a mental or psychological condition which is not temporary and which results in the child being unable to receive a reasonable education through the normal school system, or a child with a physical condition which is not temporary, relating to body movement or control, the senses or any other physical condition of the body which results in the child being unable to receive a reasonable education through the normal school system.

(2) With effect from September 1, 1977 a board shall, notwithstanding any other provision of this Act, provide educational facilities and services satisfactory to the Minister and in accordance with regulations under this Act for every handicapped child that is more than six years of age and less than sixteen years of age whose parents reside in its district or division, except for a handicapped child in respect of which a certificate has been issued pursuant to subsection (5).

(3) A board may fulfill its duties under subsection (2) by making available special facilities and services for such handicapped child, or by entering into an agreement with any other board, agency, individual or institution to provide instruction and services providing such services are in accordance with regulations issued hereunder.

(4) With respect to a handicapped child that has been admitted to a facility pursuant to *The Mental Health Act 1972* or the *Alberta Hospitals Act*, the board in whose district or division the parents of the handicapped child

## **Explanatory Notes**

**1.** The School Act, amended.

**2.** New section 136.1 Requires school boards to assume responsibility for the education of children with a mental, physical or psychological handicap. Exemption is provided only where such child is judged ineducable.

reside shall bear such part of the cost of the handicapped child's maintenance in the facility that, as determined by regulations issued hereunder, properly relates to the education it receives in that facility.

(5) The Minister shall by regulation establish a procedure to permit the examination of a handicapped child to ascertain whether it is reasonably possible to give the child an education, and providing for a certificate to be issued pursuant to such examination stating that the handicapped child cannot be educated if such be the case.

(6) The Minister shall by regulation establish a procedure to permit the examination of a child alleged by either a board or the parent of the child to be a handicapped child to ascertain whether the child is in fact a handicapped child."

*3. This Act comes into force on the day upon which it is assented to.*

**3. Coming into force.**