

1983 BILL 58

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 58

NORTHLAND SCHOOL DIVISION ACT

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 58

1983

NORTHLAND SCHOOL DIVISION ACT

(Assented to _____, 1983)

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

Definitions

1(1) In this Act,

- (a) "board" means the board of trustees of the Division;
- (b) "Division" means Northland School Division No. 61;
- (c) "elector" means an elector within the meaning of the *Local Authorities Election Act*, and includes an adult person
 - (i) who on election day is resident on an Indian reserve in respect of which a tuition agreement is in force between the board and the Department of Indian Affairs and Northern Development of the Government of Canada, and
 - (ii) who has resided in Alberta for the 6 consecutive months immediately preceding election day;

(d) "local school board committee" means the local school board committee referred to in section 4.

(2) Unless otherwise provided, words and expressions used in this Act have the same meaning as in the *School Act* and the *Local Authorities Election Act*.

boundaries

2(1) Notwithstanding anything in the *School Act*, the Division shall consist of

(a) the school districts comprising the Division by virtue of the order of the Minister constituting the Division, and

(b) all that part of Alberta lying north of the north boundary of township 55 excepting thereout any lands contained in

(i) any other school division or any county,

(ii) any district not included in a school division or school district in the Division, and

(iii) any Indian reserve.

(2) Nothing in this Act precludes the Minister from time to time

(a) amending the order dated December 9, 1960 constituting the Division or making a new order constituting the Division in substitution therefor, or

(b) constituting, dissolving or altering any school district or any other school division.

subdivisions

3 The Minister may divide the Division into not fewer than 7 and not more than 31 subdivisions.

local school
and
committees

4(1) A local school board committee shall be elected in each subdivision in accordance with the *Local Authorities Election Act* as if

(a) a local school board committee were a board of trustees, and

(b) a subdivision were a district or division.

(2) The number of members to be elected to each local school board committee shall be determined

(a) by the Minister for the first election, and

(b) by the board in subsequent elections.

(3) Members of a local school board committee hold office for 3 years and shall remain in office until the organizational meeting of the committee following the next ensuing election of a local school board committee.

organizational
meeting of local
committee

5(1) The organizational meeting of a local school board committee shall be held no later than 7 weeks following the date specified in the *Local Authorities Election Act* as nomination day at a time and place to be fixed by the secretary of the board, who shall give notice of the

meeting to the elected members of the local school board committee as if it were a special meeting of trustees.

(2) At the organizational meeting, the local school board committee shall elect 1 of its members as chairman and 1 of its members as secretary to hold office during the pleasure of the committee.

(3) If a chairman of a local school board committee is not elected as required by subsection (2), the Minister may

(a) appoint a person as a chairman, or

(b) direct that an election be held to fill a vacancy required to be filled by an elected person.

(4) A person appointed by the Minister under subsection (3) is in the same position as he would have been had he been elected under subsection (2).

(5) If either the chairman or secretary is unable to perform the duties of the office, the local school board committee shall appoint an acting chairman or acting secretary who has all the powers and duties of the chairman or secretary, as the case may be.

(6) Where the board considers it necessary, the secretary of the board may appoint a person to act as acting chairman at the organizational meeting of a local school board committee for the purpose of carrying out the elections under subsection (2).

Qualifications **6(1)** A person is not qualified to be elected or to continue to hold office as a member of a local school board committee if he would be disqualified from holding office as a trustee under sections 31 and 32 of the *School Act* or section 22 of the *Local Authorities Election Act*.

(2) If a person is not qualified to remain a member of a local school board committee under subsection (1), he shall forthwith

(a) resign his seat on the local school board committee, and

(b) where he has been elected chairman of a local school board committee, resign from that office and resign his seat on the board.

(3) If he does not resign in accordance with subsection (2), the board may by resolution declare him to be disqualified or may apply to the Court of Queen's Bench for an order declaring his seat on the local school board committee or on the board or both vacant, and sections 34 to 37 of the *School Act* apply to the application.

Local committee not a corporation **7** Neither a local school board committee nor the members constituting the committee are a corporation.

Name **8** A local school board committee may with the approval of the board designate a name by which it shall be known.

Powers of local committee **9(1)** A local school board committee has the following powers:

(a) to request the board to institute religious instruction or instruction in a language other than English in accordance with the *School Act*;

- (b) to nominate a teacher;
- (c) to recommend to the board
 - (i) the school opening date;
 - (ii) the number of days and the dates of school operation;
 - (iii) the length of the school day and the number of minutes of school operation;
 - (iv) the number of minutes of classroom instruction and the number and length of recesses;
- (d) to recommend to the board that Farmers' Day or Treaty Day, or both, be declared to be a holiday;
- (e) to recommend to the board a policy providing for the use of schools and school buildings other than during the school day;
- (f) to recommend to the board a program providing for orientation of school staff to the Division;
- (g) to advise and assist the board in the selection of a principal, para-professional employees, caretakers, bus drivers and other support staff for a school within the subdivision for which the local school board committee was elected;
- (h) to advise the board and carry out any functions delegated to it by the board.

(2) If a local school board committee passes a resolution requesting that the board institute instruction in a language other than English in a school in the subdivision for which the local school board committee was elected and sends the resolution to the board, the board shall institute instruction in that language as soon as it is practical to do so.

(3) If a local school board committee passes a resolution requesting that the board institute religious instruction in a school in the subdivision for which the local school board committee was elected and sends the resolution to the board, the board shall institute religious instruction as soon as it is practical to do so.

(4) If a local school board committee passes a resolution nominating a teacher for a school in the subdivision for which the local school board committee was elected and sends the resolution to the board at least 30 days before school opening date, the board may appoint the teacher to the school if the teacher wishes to enter into a contract.

board of trustees **10(1)** The board of trustees of the Division is continued as a corporation under the name of The Board of the Northland School Division No. 61.

(2) The members of the board are those persons elected as chairmen of local school board committees under section 5(2).

(3) The members of the board hold office for 3 years and shall remain in office until the organizational meeting of the board following the next ensuing election of local school board committees.

(4) The Minister shall

(a) appoint a Superintendent of Schools, who

(i) holds office during the pleasure of the Minister, and

(ii) is the chief executive officer of the board,

and

(b) pay the salary and expenses of the Superintendent of Schools.

(5) The board shall reimburse the Minister for the amount of the salary and expenses under subsection (4)(b).

(6) The organizational meeting of the board shall be held annually but no later than 9 weeks following the date specified in the *Local Authorities Election Act*

(a) for the receiving of nominations for trustee in a general election, or

(b) in any year in which a general election is not required to be held, for receiving nominations if a general election were held that year,

at a time and place to be fixed by the secretary of the board, who shall give notice of the meeting as if it were a special meeting.

Powers of board **11(1)** Subject to this Act, the board has all the powers and duties of a board of trustees under the *School Act*.

(2) The board may

(a) delegate any of its powers to a local school board committee, and

(b) determine and pay the fees and expenses of local school board committee members for attendance at meetings.

Annual report **12(1)** The board shall prepare annually a report of board affairs and provide its report prior to March 31 of each year to each local school board committee.

(2) The local school board committee shall make the report available to any elector who requests a copy.

Audit **13** The Auditor General is the auditor of the board.

Application of provisions of the School Act **14** Sections 32, 38, 44 to 46 and 48 to 50 of the *School Act* also apply to a local school board committee as if it were a board of trustees under the *School Act*.

Exemption from
School Act and
Local Authorities
Election Act
provisions

15 The *School Act* and the *Local Authorities Election Act* apply to the Division unless the Minister by order exempts the Division, the board or the local school board committees from the whole or part of any provision of the *School Act* and the *Local Authorities Election Act* or a regulation under either Act, and thereupon that provision ceases to apply to the Division or any person, municipality or child resident in the Division or to the board or local school board committees to the extent specified in the order.

Repeal

16 The *Northland School Division Act*, chapter N-10 of the Revised Statutes of Alberta 1980, is repealed.

Coming into
force

17 This Act comes into force on Proclamation.