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Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 59

SCHOOL ACT

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 59

1987

SCHOOL ACT

(Assented to , 1987)

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

Interpretation

1(1) In this Act,

(a) "alternative program" means an education program approved by the Minister that may be made available by a board in addition to the regular educational program offered by the board and that

(i) is oriented towards a particular language, culture, religion or subject matter, or

(ii) uses a particular teaching philosophy,

but that is not

(iii) a special education program, or

(iv) a French language program referred to in section 5(1)(b);

(b) "Attendance Board" means an attendance board appointed under section 110;

(c) "board" means a board of trustees of a district or division;

(d) "city district" means a district situated wholly or partly within the boundaries of a city;

(e) "district" means a school district established pursuant to this or any predecessor Act or Ordinance;

(f) "division" means a school division established pursuant to this or any predecessor Act;

(g) "elector"

(i) means an elector as defined in the *Local Authorities Election Act*, and

(ii) subject to the regulations, may include persons residing in an unorganized territory;

- (h) “home education program” means an education program taught to a student by the parent of the student;
- (i) “independent student” means a student who is
 - (i) 18 years of age or older, or
 - (ii) 16 years of age or older but less than 18 years of age and is
 - (A) living independently, or
 - (B) living pursuant to a support agreement under the *Child Welfare Act*;
- (j) “Indian” means an Indian as defined in the *Indian Act* (Canada);
- (k) “Minister” means the Minister of Education;
- (l) “municipality” means a city, town, village, municipal district, county, new town, improvement district, special area or summer village;
- (m) “parent” means, in respect of a student,
 - (i) subject to subclauses (ii) to (v), the parent;
 - (ii) the guardian of the student appointed under
 - (A) the *Child Welfare Act*,
 - (B) a written agreement made pursuant to the *Domestic Relations Act*, or
 - (C) an order of a court;
 - (iii) the Solicitor General of Alberta, in the case of a student who is in custody under the *Corrections Act*, the *Penitentiary Act* (Canada), the *Young Offenders Act* (Canada) or the *Young Offenders Act*;
 - (iv) a director or the Children’s Guardian under the *Child Welfare Act*, where the student
 - (A) is in the custody of a director or under the guardianship of the Children’s Guardian, and
 - (B) resides in an institution that is operated or approved by the Government;
 - (v) a foster parent, where the student has been placed in the care of the foster parent pursuant to the *Child Welfare Act*;
 - (vi) the parent or guardian who has custody of the student under
 - (A) a court order, or
 - (B) a written agreement made pursuant to a statute governing custody of the student;

- (vii) any person who has the care and custody of the student by reason of
 - (A) the student's parents ceasing to reside in Alberta, or
 - (B) the residence of the student's parents being unknown;
- (n) "principal" means a teacher designated as a principal under section 14;
- (o) "private school" means a school to which section 23 applies;
- (p) "public school district" means a public school district established pursuant to this or any predecessor Act or Ordinance;
- (q) "resident student" means a resident student as determined in accordance with section 27;
- (r) "school" means a structured environment through which an education program is offered to a student by
 - (i) a board,
 - (ii) an operator of a private school,
 - (iii) a parent giving a home education program, or
 - (iv) the Minister;
- (s) "school building" means a building used for the instruction or accommodation of students that is owned or leased by
 - (i) a school jurisdiction, or
 - (ii) a school jurisdiction and another person or a municipality;
- (t) "school building project" means
 - (i) the purchase, erection, relocation, renovation, furnishing or equipping of,
 - (ii) the making of structural changes in, or
 - (iii) the addition or extension to,
 a school building;
- (u) "school jurisdiction" includes a board, a county council, the Lloydminster Public School District, the Lloydminster Roman Catholic Separate School District and the council of a city or town operating under the *Municipal and School Administration Act*;
- (v) "separate school district" means a separate school district established pursuant to this or any predecessor Act or Ordinance;
- (w) "special education program" means an education program designed to meet the educational requirements of a special education student;
- (x) "special education student" means a student who, by virtue of that student's behavioural, communicational, intellectual or physical characteristics or a combination of those characteristics,

is determined, pursuant to this Act, to require a special program to meet that student's educational needs;

(y) "student" means an individual who is

(i) registered or enrolled in a school, or

(ii) required under section 8 to attend a school;

(z) "teacher" means a person who holds a certificate of qualification issued under the *Department of Education Act* but does not include an intern teacher;

(aa) "trustee" means a member of a board;

(bb) "unorganized territory" means any area of Alberta that is not included within a district or a division.

(2) For the purposes of this Act,

(a) a person is not eligible to be a student unless that person

(i) is

(A) a Canadian citizen,

(B) lawfully admitted to Canada for permanent residence,

(C) a child of a Canadian citizen, or

(D) a child of a person who is lawfully admitted to Canada for permanent residence,

or

(ii) is designated as a student under the regulations;

(b) a person is non-educable if that person is determined pursuant to this Act to be unable to benefit educationally from a regular education program or a special education program on account of that person's

(i) severe lack in intellectual functioning, or

(ii) severe medical fragility;

(c) a person who is an independent student is, with respect to this Act and the regulations, entitled to exercise all the rights and powers and receive all the benefits with respect to himself that his parent would be entitled to exercise or receive if that person was a student who was younger than 18 years of age and living with his parent.

Paramount
considerations

2(1) In exercising any authority or making any decision pursuant to this Act or the regulations, a court, board, administrative body, appeal body or person shall, subject to section 3, consider

(a) the educational benefit that is to be received by and the best educational interests of the student,

(b) where appropriate, the role of parents in the education of their children, and

(c) the diverse nature and heritage of society within the context of the common values and beliefs of society.

(2) In determining the obligations of the Government or a board under this Act or the regulations, consideration must be given to

(a) the standards of the society,

(b) the financial circumstances of the Government or of the board, as the case may be,

(c) the physical facilities available to the Government or the board, as the case may be, and

(d) the persons available to the Government or board, as the case may be, and their qualifications to provide the services that may be required.

Limitations

3 The exercise of any right or benefit pursuant to this Act or the regulations is subject to those limitations that are reasonable in each circumstance under which the right or benefit is being exercised.

PART 1 STUDENTS

Right of access
to education

4(1) Every person who

(a) at September 1 in a year is 6 years of age or older but is younger than 19 years, and

(b) is eligible to be a student,

is entitled to have access to an education program pursuant to this Act.

(2) Where a student

(a) at September 1 in a year is 6 years of age or older but is younger than 19 years, and

(b) is determined under this Act to be a special education student,

that student is entitled to have access to a special education program pursuant to this Act.

(3) A board may permit a person

(a) who

(i) is younger than 6 years of age, or

(ii) older than 19 years of age,

and

(b) who is eligible to be a student,

to have access to an education program pursuant to this Act.

	<p>(4) Where a person referred to in subsection (3) becomes registered or enrolled in a school, that person is a student for the purposes of this Act.</p>
Language of instruction	<p>5(1) Subject to the regulations, a student is entitled to be taught in</p> <ul style="list-style-type: none"> (a) the English language, and (b) the French language if the parents of the student are entitled in accordance with section 23 of the <i>Canadian Charter of Rights and Freedoms</i> to have their children taught in the French language. <p>(2) The Minister may make regulations</p> <ul style="list-style-type: none"> (a) governing the method of determining the number of parents who are entitled under section 23 of the <i>Canadian Charter of Rights and Freedoms</i> and wish to have their children taught in the French language; (b) governing the responsibilities of boards to provide instruction in the French language; (c) governing agreements to be entered into between boards for the purposes of providing instruction in the French language; (d) directing a board to provide instruction in the French language to classes of students within its schools; (e) directing a board to establish programs in the French language; (f) governing the requirements for instruction in English where the general language of instruction is in French; (g) respecting any matter not referred to in clauses (a) to (f) as may be necessary to implement the entitlements referred to in subsection (1).
Other languages of instruction	<p>6(1) Subject to the regulations and the entitlements referred to in section 5, a board may authorize the use of any language as a language of instruction in a school operated by that board.</p> <p>(2) The Minister may make regulations</p> <ul style="list-style-type: none"> (a) governing the provision of instruction in any language other than English; (b) governing the requirements for instruction in English where the general language of instruction authorized by the board is not English.
Minister's authority	<p>7 The use of a particular language of instruction must not supersede or in any way interfere with the Minister's authority with respect to the courses of study, education programs or instructional materials.</p>

8(1) A person who

- (a) is eligible to be a student,
- (b) at September 1 in a year is 6 years of age or older, and
- (c) is younger than 16 years of age,

shall attend school.

(2) Notwithstanding subsection (1), a student is excused from attendance at school if

- (a) the student is unable to attend by reason of sickness or other unavoidable cause,
- (b) the student is absent on a day regarded as a holy day by the religious denomination to which the student belongs,
- (c) the principal of the school has suspended the student from school,
- (d) the board has expelled the student from school, or
- (e) with respect to a resident student of a board,
 - (i) the parent of the student shows sufficient cause as to why the student should not be required to attend school, and
 - (ii) the board excuses the student from attending a school for a prescribed period of time;
- (f) the student is determined pursuant to this Act to be non-educable.

(3) Where a student is excused from attendance at school

- (a) under subsection (2)(c) or (d), that student is excused only from attendance at school during the period of suspension or expulsion, or
- (b) under subsection (2)(e), that student is only excused from attendance at school during the period of time prescribed by the board.

9(1) In this section,

- (a) “attendance officer” means an employee of a board designated by the board as an attendance officer;
- (b) “judge” means a judge of the Provincial Court;
- (c) “order” means an order given under this section by a judge or a justice of the peace.

(2) An attendance officer may, for the purposes of ensuring that the provisions of this Act relating to compulsory attendance are being complied with, do the following:

(a) enter

(i) any building other than a private residence, and

(ii) if authorized by an order, a private residence,

where a student may be found or employed;

(b) send home or to school a student that is suspected of truancy and accompany him for that purpose;

(c) deal with the student in accordance with the rules prescribed by the board.

(3) If

(a) an attendance officer has reasonable and probable grounds to believe that a student who is not attending school as required under this Act is located in a private residence, or

(b) a student does comply with a proper direction given by an attendance officer,

the attendance officer may make an ex parte application to a judge or, if a judge is not reasonably available, to a justice of the peace for an order doing 1 or both of the following:

(c) authorizing the attendance officer to enter a private residence;

(d) requiring the student to comply with the directions of the attendance officer.

(4) On hearing an application under this section, the judge or justice of the peace, as the case may be, may grant the order being applied for subject to any terms or conditions that the judge or justice of the peace considers appropriate in the circumstances.

(5) An order may be filed with the clerk of the Court of Queen's Bench in the judicial district in which the order was given and on the filing of the order it has the same force and effect as if it were an order of the Court of Queen's Bench.

10(1) Where

(a) a student who is required to attend a school under section 8 is not attending school, and

(b) attempts to enforce school attendance under section 9 have, in the opinion of the board, not been satisfactory,

the board of which the student is a resident student or that operates the school in which the student is registered may refer the matter to the Attendance Board.

(2) Where a student who is required to attend a school under section 8

(a) is registered or enrolled in a private school, and

(b) is not attending that private school,

the person responsible for the operation of that private school shall refer the matter to the Attendance Board.

Liability
for damage to
property
by student

11 If property of a board is destroyed, damaged, lost or converted by the intentional or negligent act

(a) of 1 student, the student and the student's parents are jointly and severally liable to the board in respect of the act of the student, or

(b) of 2 or more students acting together, the students and their parents are jointly and severally liable to the board in respect of the act of the students.

PART 2 SCHOOLS

Division 1

Schools Operated by a Board

Application of
Division

12 This Division applies only to schools operated by a board.

Duties of
teachers

13 Subject to this Act and the regulations, a teacher while providing instruction or supervision has a duty to

(a) provide instruction competently to students;

(b) teach the courses of study and education programs that are prescribed or approved pursuant to this Act;

(c) encourage and foster learning in students;

(d) promote the goals of basic education;

(e) regularly evaluate students and periodically report the results of the evaluation to the students, the students' parents and the board;

(f) maintain, under the direction of the principal, order and discipline among the students in the school, on the school grounds and at any activity sponsored or approved by the board, as the case may be;

(g) subject to the teacher's contract of employment, carry out those duties that are assigned to the teacher by the principal or the board.

Principals

14(1) A board that operates 1 or more schools shall designate any number of teachers as principals.

(2) The board shall assign a principal for each school.

(3) The board may assign a principal to be a principal for more than 1 school.

Duties of
principals

15 Subject to this Act and the regulations, a principal of a school has a duty to

(a) provide instructional leadership in the school;

(b) ensure that the instruction provided by the teachers employed in the school is consistent with the courses of study and education programs prescribed or approved pursuant to this Act;

	<p>(c) direct the day to day management of the school;</p> <p>(d) maintain order and discipline in respect of the school, school grounds and the activities sponsored or approved by the board;</p> <p>(e) promote co-operation between the school and the community that it serves;</p> <p>(f) supervise the evaluation and advancement of students;</p> <p>(g) evaluate or provide for the evaluation of the teachers employed in the school;</p> <p>(h) subject to the principal's contract of employment, carry out those duties that are assigned to the principal by the board.</p>
Alternative programs	<p>16(1) If a board determines that there is sufficient demand for a particular alternative program to be offered, the board may offer that program to those students whose parents enroll them in the program.</p> <p>(2) Where a parent enrolls a student in an alternative program, the board may charge that parent fees for the purpose of defraying all or a portion of any non-instructional costs that</p> <p>(a) may be incurred by the board in offering the alternative program, and</p> <p>(b) are in addition to the costs incurred by the board in providing its regular education program.</p>
School councils	<p>17(1) Where a school council does not exist for a school, the principal of the school shall call a meeting of the parents of the students who are registered in the school for the purpose of determining whether or not a school council shall be established for that school.</p> <p>(2) Where the majority of the parents attending the meeting called under subsection (1) vote in favour of establishing a school council, the principal shall establish a school council pursuant to the regulations.</p> <p>(3) If a vote referred to in subsection (2) is not in favour of the establishment of a school council,</p> <p>(a) another meeting concerning the establishment of a school council shall not be called, and</p> <p>(b) a vote shall not be taken on the question of establishing a school council,</p> <p>for a period of 1 year from the date of the meeting at which the unfavourable vote was taken.</p> <p>(4) Subject to the regulations, a school council may establish rules of procedure governing the calling of, the procedure to be used at and the conduct of its meetings and any other matters respecting its operation.</p> <p>(5) Subject to the regulations, the school council shall advise the principal of the school and the board with respect to any matter concerning the relationship between the school and the home and the school and the community.</p>

(6) A school council may perform any duty or function delegated to it by the principal or the board subject to the directions or limitations set out in the delegation.

(7) When a school council performs any duty or function delegated to it under subsection (6), it is doing so as an agent of the board.

(8) If at any time during a school year a majority of the parents of the students who are registered in the school, at a meeting specifically called for the purpose, vote in favour of a motion to dissolve the school council,

(a) the school council shall be dissolved on the 15th day following the day on which the vote was held, and

(b) a new school council shall not be established for a period of 1 year from the date of the vote.

(9) The Minister may make regulations

(a) respecting the establishment of school councils;

(b) governing the membership on school councils;

(c) governing the term of office of members of school councils;

(d) governing the operation of school councils;

(e) prescribing the rules under which the election of members to school councils are conducted;

(f) respecting the dissolution of school councils.

Student records **18(1)** A board shall establish and maintain pursuant to the regulations a student record for each student registered in its schools.

(2) Subject to subsection (3), a

(a) parent of a student, or

(b) a student who is 16 years of age or older,

is entitled to review the student record maintained in respect of that student.

(3) Where a student record contains

(a) a test or an evaluation of a student that is given by a person who has a recognized expertise or training in respect of that test or evaluation, or

(b) information relating to the test or evaluation referred to in clause (a),

the parent of that student and, in the case of a student who is 16 years of age or older, that student are entitled, subject to subsection (4),

(c) to review that test, evaluation or information, and

(d) to receive from a person who is competent to do so an explanation and interpretation with respect to that test, evaluation or information.

(4) A parent or student is entitled only to review the test, evaluation or information referred to in subsection (3) at a time when a person who is competent to explain and interpret the test, evaluation or information is available to provide to the parent or student, as the case may be, an explanation and interpretation with respect to that test evaluation or information.

(5) A board shall, as soon as practicable after it receives a request from a parent or student to review a student's record referred to in subsection (3), ensure that a person competent to explain and interpret the test, evaluation or information is available to provide to the parent or student, as the case may be, an explanation and interpretation with respect to that test, evaluation or information.

(6) A person contributing information to a student record is exempted from any liability with respect to the provision of that information if that person, in providing that information,

- (a) acted in good faith,
- (b) acted within the scope of his duties and responsibilities, and
- (c) did not act in a negligent manner.

(7) Where, on examination of a student record, a parent or in the case of a student who is 16 years of age or older, the student is of the opinion that the student record contains inaccurate or incomplete information, he may request the board to rectify the student record.

(8) The Minister may make regulations

- (a) governing the form and content of the student records;
- (b) prescribing the information that is to be included in student records;
- (c) prescribing information that is to be excluded from student records;
- (d) governing the method of maintaining information that is excluded from student records;
- (e) governing the use and maintenance of student records;
- (f) governing the confidentiality of student records;
- (g) governing the disposition of student records.

Suspensions and
expulsion of
students

19(1) Subject to the rules of a board,

- (a) a teacher may suspend a student from his class,
- (b) a principal may suspend a student from
 - (i) 1 or more classes,
 - (ii) school,
 - (iii) riding on a school bus, or
 - (iv) participating in a school sponsored activity,

and

(c) a principal may reinstate a student suspended by him or a teacher.

(2) When a teacher suspends a student under subsection (1)(a), the teacher shall forthwith after informing the student of the suspension make a written report of the suspension to the principal.

(3) When a teacher or a principal suspends a student, the principal shall

(a) forthwith inform the student's parent of the suspension, and

(b) report in writing to the student's parent all the circumstances respecting the suspension.

(4) If a student is not to be reinstated within 5 school days from the date of his suspension, the principal shall

(a) forthwith inform the board of the suspension, and

(b) report in writing to the board all the circumstances of the suspension together with the principal's recommendations.

(5) On receiving a report from a principal pursuant to subsection (4), the board shall, within 5 days from the date of being informed of the suspension, either reinstate or expel the student.

(6) Prior to a board making a decision under subsection (5), the parent of the suspended student and the suspended student are entitled to make representations to the board with respect to the suspension.

(7) A board, in its discretion, may readmit a student who has been expelled.

(8) Where a student is suspended or expelled the principal or the board, as the case may be, shall notify in writing the parent and, in the case of a student who is 16 years of age or older, the student of their rights to have the matter reviewed by the Minister.

Flag

20 The principal of a school shall ensure that the Canadian flag and the Alberta flag are displayed at the school.

Disturbing or
interrupting
a school

21(1) No person shall

(a) disturb or interrupt the proceedings of a meeting at a school,

(b) disturb or interrupt the proceedings of a school, or

(c) loiter or trespass in a school building or on property owned by a board.

(2) A person who contravenes subsection (1) is guilty of an offence and liable to a fine not exceeding \$1000.

Sales in a school

22(1) No person shall canvass, sell or offer to sell goods, services or merchandise to a teacher or a student in a school without the prior approval of the board.

(2) A person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$1000.

Division 2
Other Schools

Private schools **23(1)** A person wishing to operate a private school shall apply to the Minister to have the school registered as a private school.

(2) The Minister may, subject to the regulations,

- (a) register a private school;
- (b) accredit any registered private school;
- (c) cancel or suspend the registration or accreditation of a private school.

(3) No person shall

- (a) operate a private school until it has been registered under subsection (2), or
- (b) continue to operate a private school during the time that its registration under subsection (2) is cancelled or suspended.

(4) Where a person operates a private school that is not registered or for which the registration has been cancelled or suspended, the Minister may by means of an originating notice apply to the Court of Queen's Bench for an order restraining that person from operating the private school during the time that

- (a) the private school is not registered, or
- (b) the registration of the private school is suspended or cancelled,

as the case may be.

(5) The Minister may make regulations governing

- (a) the registration of private schools;
- (b) the accreditation of private schools;
- (c) the minimum number of students required to be registered in a private school in order for the school to be accredited;
- (d) the suspension or cancellation of the registration or accreditation of a private school;
- (e) the operation, administration, management, reporting and funding of private schools.

Home education program **24(1)** A parent of a student may provide at home or elsewhere a home education program for the student.

(2) A person shall not operate a home education program unless the program

- (a) meets the requirements of the regulations, and
- (b) is under the supervision of a board.

(3) If a parent resides in unorganized territory, the Minister shall exercise the powers of a board under this section.

(4) The Minister may make regulations governing

- (a) the minimum content and instructional requirements of a home education program;
- (b) the supervision to be provided by a board;
- (c) the transfer of a student between a home education program and another school;
- (d) the registration of a home education program with a board;
- (e) the termination of a home education program;
- (f) the evaluation of students enrolled in a home education program;
- (g) the granting of credits to students enrolled in a home education program.

Division 3

General

Courses,
programs, etc.

25(1) The Minister may by order do the following:

- (a) prescribe courses of study, education programs and instructional materials for use in schools;
- (b) approve any course of study, education program or instructional materials that are submitted to the Minister by a board or another operator of a school for use in schools;
- (c) prohibit any course of study, education program or instructional material from use in schools.

(2) The *Regulations Act* does not apply to an order made under subsection (1).

Regulations

26 The Minister may make regulations

- (a) governing the amount of instructional time that must be provided in schools;
- (b) governing the evaluation and inspection of
 - (i) teachers,
 - (ii) schools,
 - (iii) education programs,
 - (iv) student programs,
 - (v) instructional materials,
 - (vi) courses of study, and
 - (vii) school buildings;
- (c) governing the granting of certificates to school graduates;

- (d) governing the examinations and evaluation of students;
- (e) governing
 - (i) the fees for taking examinations,
 - (ii) the fees for re-reading examinations, and
 - (iii) the remission or refund of the fees referred to in sub-clauses (i) and (ii);
- (f) governing appeals from examinations;
- (g) governing remuneration payable with respect to persons supervising, marking, re-reading and otherwise handling examinations.

PART 3 SCHOOL BOARDS

Division 1

Provision of Educational and Associated Services

- Resident student **27(1)** Subject to this section, a student is a resident student of the board of the district or division in which the student's parent resides.
- (2) Subject to this section, every individual is a resident of a public school district or division.
- (3) Where a separate school district is established, a person residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic,
- (a) is a resident of the separate school district, and
 - (b) is not a resident of the public school district.
- (4) Where
- (a) a student is placed in the care of a foster parent pursuant to the *Child Welfare Act*,
 - (b) the faith of the student, whether Protestant or Roman Catholic, differs from the faith of a foster parent,
 - (c) the foster parent resides in an area served by a separate school district, and
 - (d) a director under the *Child Welfare Act*, determines that the student is of the same faith as those who established the separate school district,
- that student is a resident student of that separate school district.
- (5) The following students are resident students of the Government:
- (a) a student who resides in unorganized territory and who is not an Indian residing on a reserve pursuant to the provisions of the *Indian Act* (Canada);

(b) a student in custody under the *Corrections Act*, the *Penitentiary Act* (Canada), the *Young Offenders Act* (Canada) or the *Young Offenders Act*;

(c) a student

(i) who

(A) is in the custody of a director, or

(B) is under the guardianship of the Children's Guardian, under the *Child Welfare Act*, and

(ii) who resides in an institution that is operated or approved by the Government;

(d) a student who is under long term medical care in an institution that is under the control, direction or administration of the Government.

(6) Where

(a) both parents have care and custody of a student, and

(b) each parent is a resident of a different school district or division,

that student

(c) shall attend the school he is directed to attend by the board of the district or division designated by his parents, and

(d) is a resident student of the board referred to in clause (c).

(7) If the parents referred to in subsection (6) do not make a designation under subsection (6), the Minister shall designate the board in respect of which the student is a resident student.

(8) If the residence of a student changes after the commencement of a school year, the parent of that student shall for the balance of that school year designate the student to be the resident student of 1 of the following:

(a) the board of the district or division in which the student presently resides,

(b) the board of the district or division in which the student resided immediately prior to the change of his residence, or

(c) the Government if the student

(i) presently resides in unorganized territory, or

(ii) resided in unorganized territory immediately prior to the change of his residence.

Responsibility to
resident students

28(1) A board shall provide to each of its resident students an education program consistent with the requirements of this Act and the regulations and, for the purposes of providing the education program to the student, the board shall

(a) direct the student to attend a school operated or supervised by the board, or

(b) direct the student to attend

(i) a school operated by another board or the Government,

(ii) a school operated by a school board in or a government of another jurisdiction, or

(iii) an accredited private school,

and the board shall pay the fees of and consequent to the student attending that school.

(2) Where

(a) a board is willing to provide an education program to its resident student as required under subsection (1), and

(b) the parent of the student wishes to send the student to another school other than a school

(i) operated by the board, or

(ii) that the board directed the student to attend under subsection (1)(b),

the board may, subject to subsection (7), provide all, part or none of the funds necessary to place the student in a school chosen by the parents.

(3) Where a board directs a student under subsection (1)(b)(i) or (ii) to attend a school not operated by the board, the board shall ensure that the board or the school board in another jurisdiction that operates the school that the student is directed to attend is able to accept the student.

(4) Where

(a) a board directs a student under subsection (1)(b)(i) to attend a school, and

(b) the board that operates the school that the student is directed to attend has sufficient facilities and resources to accept that student,

the board that operates the school that the student is directed to attend shall accept that student in its school.

(5) If a student is a resident student of the Government, the Minister shall make arrangements for that student to receive an education program.

(6) The Minister may enter into an agreement with a board or any other person operating a school to provide education programs to resident students of the Government.

(7) Subject to the direction of the Minister, a board is not required to provide any funds for the purpose of placing a student in a private school unless the board has given its approval to the student being

	placed in the private school prior to the student being registered in that private school.
Special education program	<p>29(1) Before a board places a student in a special education program it shall</p> <ul style="list-style-type: none"> (a) consult with the parent of that student, and (b) where appropriate, with the student. <p>(2) A board may, after considering all the circumstances respecting the placement of a student in a special education program, decline to provide a special education program or any other education program to the student if the board determines that the student is non-educable.</p> <p>(3) Where a board determines that a student is non-educable the parent may appeal the board's decision with respect to that determination to a Special Education Tribunal.</p> <p>(4) The Minister may establish 1 or more Special Education Tribunals to investigate and hear appeals under this section.</p> <p>(5) The decision of the Special Education Tribunal is final and binding on the board and the parent.</p> <p>(6) The Minister may make regulations governing the commencement, investigation, hearing and disposition of appeals before the Special Education Tribunal.</p>
Direction to attend a specific school	30 A resident student of a board shall, unless otherwise permitted under this Act or by the board, attend the school that the board directs that student to attend.
School operated by another board	<p>31(1) A parent of a student may apply to a board of which the student is not a resident student for permission to attend a school operated by the board.</p> <p>(2) Where</p> <ul style="list-style-type: none"> (a) an application is made under subsection (1), (b) the board has sufficient facilities and resources to accept the student in a school operated by the board to which the application was made, and (c) it is agreed that <ul style="list-style-type: none"> (i) the board of which the student is a resident student, (ii) the student's parent, (iii) the student, or (iv) the Minister, in the case of a resident student of the Government, <p>will pay the fees as authorized under this Act,</p> <p>the board to which the application was made shall admit the student to its school.</p>

(3) Where

(a) an application is made under subsection (1) for the admission of a student to a school operated by a board of an adjacent district or division, and

(b) the school was, prior to a change in a boundary made under section 196 or 210, operated by the board of which the student was a resident student prior to the boundary change,

the Minister may direct that the board of which the student is a resident student pay to the board to which the application was made all or some of the fees authorized by this Act with respect to that student in accordance with any terms or conditions that the Minister may prescribe.

Tuition fees

32(1) A board shall not charge any tuition fees with respect to the attendance of its resident students in its schools.

(2) A board may charge tuition fees with respect to any student who attends its school and who is not a resident student of the board.

(3) A tuition fee charged under subsection (2) shall not exceed the amount of the net average local cost per student of maintaining the education program in which the student is enrolled.

Religious and
patriotic
instruction

33(1) A board may

(a) prescribe religious instruction to be offered to its students;

(b) prescribe religious exercises for its students;

(c) prescribe patriotic instruction to be offered to its students;

(d) prescribe patriotic exercises for its students;

(e) permit persons, other than teachers, to provide religious instruction to its students.

(2) Where a teacher receives a written request signed by a parent of a student requesting that the student be excluded from religious or patriotic instruction or exercises, or both, the teacher shall permit the student to

(a) leave the classroom and not take part in the instruction or exercise, or

(b) remain in the classroom without taking part in the instruction or exercise.

Transportation

34(1) Subject to the regulations, a board shall provide its resident students with transportation to and from the site of those schools operated by the board that the board has directed the students to attend.

(2) Subject to the regulations, a board may charge the parents of students receiving transportation provided pursuant to subsection (1) any fee as determined by the board.

Transport
by parent

35(1) A board may, instead of providing transportation under section 34, enter into an agreement with the parent of the student under which the parent will

- (a) convey the student to and from school or the bus route, and
- (b) receive, in accordance with the regulations, payment for providing that service.

(2) A board is not under any liability for negligence to the parent of a student or to a student arising out of the student being conveyed to and from a school or bus route pursuant to an agreement made under this section.

Maintenance
allowance

36 If a student is directed by a board to attend a school and as a result of attending that school the student is unable to live in his parent's residence, the board shall pay a maintenance allowance in respect of that student in an amount prescribed by the regulations.

Work experience
programs

37(1) A board may approve a work experience program for its students to attend.

(2) Subject to the regulations, a board may enter into agreement with a person to provide a place of work and facilities for students who are attending a work experience program.

(3) When a board wishes a student to attend a work experience program, it shall obtain the approval of

- (a) the student's parent or, in the case of a student who is 16 years of age or older, the student,
- (b) the Minister, and
- (c) the Director under the *Employment Standards Act*.

(4) A student attending a work experience program shall be deemed to be in attendance at school for the time the student attends the program.

Continuing
education

38(1) A board may,

- (a) in addition to its obligations to provide courses of study and education programs under this Act, establish courses for any person on any subject, and
- (b) employ teachers or other persons for the purpose of giving instruction in those courses.

(2) When a board establishes a course under this section, the board shall ensure that the course does not interfere with normal school operation.

(3) A board may charge any fees it determines for any course established by it under this section.

(4) Any person may apply to a board to receive a course established under this section and the board may in its discretion accept or refuse the applicant.

(5) Where

- (a) a board establishes a course under this section,
 - (b) a person enrolls in the course referred to in clause (a), and
 - (c) the person referred to in clause (b) is not otherwise a resident student of the board that established the course,
- that person is not, by reason of being enrolled in that course,
- (d) a resident student of that board, or
 - (e) entitled to any of the rights or benefits given to a student under this Act.

(6) Section 25 does not apply to a course established under this section.

Health services

39 A board shall provide to the students attending its schools those health services that the board considers necessary.

School day
and year

40(1) A board shall specify the following:

- (a) the school opening date;
- (b) the number and the days of school operation;
- (c) the length of the school day;
- (d) the number of minutes of school operation in a school day;
- (e) the number and length of recesses;
- (f) subject to the regulations, the number of minutes of classroom instruction.

(2) A board shall specify the vacation periods in a school year that shall include

- (a) a minimum winter vacation that extends at least from December 24 to January 2, inclusive, and
- (b) for each student the opportunity of taking 1 school vacation of at least 4 consecutive weeks' duration during a calendar year.

(3) A board in its discretion may declare 1 day a month to be a school holiday.

(4) A holiday declared by a municipality does not apply to a school within the municipality unless the board declares it to apply.

(5) A board shall, before May 31 in each year, give notice to the Minister stating

- (a) the opening and closing dates of all schools under its jurisdiction for the 12-month period next following, and
- (b) the dates of the vacation periods in the school year.

(6) If a board wishes to declare Farmers' Day to be a holiday, Farmers' Day shall be declared by the board to be a holiday on the 2nd Friday of June in any year.

Temporary closure of school building	41 A board may temporarily close a school building if the health or safety of the students is endangered.
Closure of schools, etc.	42 Subject to the regulations, a board may, with the approval of the Minister, do the following: <ul style="list-style-type: none"> (a) close a school permanently or for a specified period of time; (b) close a portion of a school permanently or for a specified period of time; (c) transfer students from one school to one or more other schools.
Regulations	43 The Minister may make regulations <ul style="list-style-type: none"> (a) governing the designation of residents of unorganized territory as electors in a district serving the students of the unorganized territory; (b) with respect to electors referred to in clause (a), modifying the provisions under the <i>Local Authorities Election Act</i> as may be necessary to allow the electors to participate in the election of the district; (c) governing designations made under section 27; (d) governing the payment of grants in respect of the transportation of students; (e) governing maintenance allowances; (f) governing tuition fees; (g) respecting the closure of schools; (h) respecting the transfer of students; (i) governing the determination of the number of resident students of a district or division; (j) designating a person to be a student who does not otherwise qualify as a student; (k) governing the transportation of students.

Division 2

Operation and Management

Powers of boards	44(1) Subject to this Act and the regulations, a board shall <ul style="list-style-type: none"> (a) establish by resolution policies respecting the provision of educational services and programs; (b) make rules, subject to any collective agreement between the board and its employees, governing the establishment, administration, management and operation of <ul style="list-style-type: none"> (i) schools operated by the board, (ii) real and personal property under the administration of the board, and (iii) school buses used for the purposes of the board;
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(c) either

- (i) keep in force a policy or policies of insurance,
- (ii) with the approval of the Minister, participate in an arrangement under Part 15 of the *Insurance Act*, or
- (iii) with the approval of the Minister, participate in an alternative arrangement acceptable to the Minister,

for the purpose of indemnifying the board and its employees in respect of claims for

- (iv) damages for death or personal injury,
- (v) damages to property, and
- (vi) damages to property owned by the board in respect of which the board has an insurable interest
 - (A) that the board has agreed to insure, or
 - (B) for which the board otherwise has or may have assumed liability,

in an amount and form prescribed by the Minister;

(d) maintain, repair, furnish and keep in good order all its real and personal property;

(e) make the rules referred to in clause (b) available to its employees who are affected by the rules.

(2) Subject to this Act and the regulations, a board may

(a) make any banking arrangements necessary for the carrying out of its duties and functions;

(b) invest in investments authorized by section 5 of the *Trustee Act* or as otherwise permitted by the Minister;

(c) enter into contracts or agreements as permitted under this Act;

(d) provide for the payment of travelling and other expenses and honoraria to

- (i) trustees, and
- (ii) persons appointed to committees of the board;

(e) make payments, other than loans, to another board;

(f) make grants or payments, other than loans, to an association of school trustees or to a person or organization engaged in educational activities;

(g) at its own expense or otherwise, arrange, undertake or sponsor for its students educational, cultural or recreational trips inside or outside its district or division;

(h) establish committees;

Delegation
of power

- (i) make rules regarding the suspension and expulsion of students;
- (j) make rules regarding the attendance of students at schools;
- (k) charge fees with respect to instructional supplies or materials.

(3) Unless otherwise provided for in this Act, the board of a separate school district

- (a) possesses and may exercise all the rights, powers and privileges of,
- (b) is subject to the same duties and liabilities of, and
- (c) has the same method of government as,

the board of a public school district other than the power to form or be part of a school division.

45(1) The board may authorize in writing

- (a) any of its employees,
- (b) a committee of the board or that is appointed by the board,
- (c) a school council, or
- (d) a joint committee established under section 47,

to do any act or thing or perform any function that the board may or is required to do or perform

- (e) under this Division, or
- (f) with respect to the following:
 - (i) the hiring of persons to be teachers;
 - (ii) the hiring and dismissing of non-teaching personnel;
 - (iii) the expulsion of students.

(2) A written authorization made under subsection (1) may be

- (a) of general application or applicable to a particular case, and
- (b) conditional or unconditional.

(3) A written authorization made under this section

- (a) purporting to be signed by the chairman or the secretary of the board, and
- (b) stating that the person, committee or council named therein is authorized to perform the duties or exercise the powers set forth in the written authorization, or a copy thereof,

shall be admitted in evidence as prima facie proof of that person's, committee's or council's authorization to perform those duties and exercise those powers without proof of the signature or official character of the person appearing to have signed the written authorization.

(4) When an employee, committee or a council performs any duty or function delegated to it under this section, it is doing so as an agent of the board.

Agreements

46(1) A board may, with the prior approval of the Minister,

(a) enter into an agreement with

(i) the Government of Alberta or any agent of the Government of Alberta,

(ii) the Government of Canada or any agent of the Government of Canada, or

(iii) the government of any other jurisdiction or any agent of that government,

with respect to the provision of educational services;

(b) enter into an agreement with the Government of Canada or any agency of the Government of Canada with respect to the education

(i) of Indian children, or

(ii) the children of members of the Canadian Forces or of other persons employed by the Government of Canada,

in a school operated by a board;

(c) enter into an agreement with a council of a band as defined in the *Indian Act* (Canada) with respect to the education of Indian children.

(2) Subject to subsection (1), a board may

(a) enter into an agreement with

(i) a person, or

(ii) a joint committee referred to in section 47,

for the provision of educational, managerial or any other service with respect to the operation of schools;

(b) enter into agreements with another board or person to provide education programs for its resident students;

(c) enter into an agreement with a municipality concerning the promotion and development of recreation and community services.

Joint committees, etc.

47(1) If an agreement is entered into pursuant to section 46 or 183, the board may appoint 1 or more of its trustees to be members of a joint committee with persons appointed by another board and, if appropriate, a person or municipality.

(2) A board, person or municipality may provide the committee established pursuant to subsection (1) with any funds the board, person or municipality considers proper and the committee may expend any sum received for the control, management, upkeep and operation of the undertaking.

(3) A committee established pursuant to subsection (1) shall in each year furnish to the board, person or municipality

(a) an audited statement of its receipts and payments for the preceding year, and

(b) any information regarding its management and operation as considered necessary by the board, person or municipality.

(4) Notwithstanding anything in this Act, a board may, for the purposes of this Act and the regulations, appoint another board to act on its behalf or on behalf of a joint committee established pursuant to this section.

Student
teaching, etc.

48(1) A board shall, on the request of an institution that has an agreement with the Minister respecting teacher training, permit those persons enrolled in an educational program of that institution and their instructors to attend any classroom of a school operated by the board while the school is in session for the purpose of observation or student teaching.

(2) Where a person is permitted under subsection (1) to attend a classroom in a school operated by a board that person shall abide by the rules of the board.

Organizational
meeting

49(1) The organizational meeting of a board

(a) shall, subject to clause (b), be held annually, and

(b) in any year in which a general election takes place, shall be held within 4 weeks following the date of that election,

at a time and place to be fixed by the secretary of the board.

(2) The secretary of the board shall give notice of the organizational meeting to each trustee as if it were a special meeting.

Chairman

50(1) At the organizational meeting, and thereafter at any time as determined by the board, the board shall elect 1 of its members as chairman and another as vice-chairman to hold office during the pleasure of the board.

(2) If the chairman through illness, absence or other cause is unable to perform the duties of his office, the vice-chairman has all the powers and shall perform all the duties of the chairman during the chairman's inability to act or absence.

(3) If both the chairman and the vice-chairman through illness, absence or other cause are unable to perform the duties of the office, the board shall appoint from among its members an acting chairman, who thereupon has all the powers and shall perform all the duties of the chairman during the chairman's and vice-chairman's inability to act or absence.

Regular meetings

51(1) The board shall hold as many regular meetings as it considers necessary to deal adequately with its business.

(2) The resolution of the board establishing the regular meetings of the board shall state the day, hours and place of the regular meeting.

	<p>(3) The board is not required to give notice of the regular meetings of the board.</p>
Special meetings	<p>52(1) A special meeting of a board may be called by</p> <ul style="list-style-type: none"> (a) the chairman of the board, (b) a majority of the trustees, or (c) the Minister, <p>after written notice has been given to each trustee in accordance with subsection (2).</p> <p>(2) The notice shall state</p> <ul style="list-style-type: none"> (a) the time and place of the special meeting, and (b) the nature of the business to be transacted at the special meeting. <p>(3) The notice of the special meeting shall be</p> <ul style="list-style-type: none"> (a) sent by registered mail to each trustee at least 7 days before the date of the meeting, or (b) personally served on <ul style="list-style-type: none"> (i) the trustee, or (ii) a responsible person at the trustee's residence, at least 2 days before the date of the meeting. <p>(4) Notwithstanding subsections (1) to (3), a special meeting may be held without giving notice under this section if every trustee agrees to waive the requirements of subsections (1) to (3).</p> <p>(5) Unless all the trustees are present at the special meeting, no business other than that stated in the notice shall be transacted at the special meeting.</p>
Procedure	<p>53 The board may make rules governing its internal procedure and its meetings.</p>
Readings of by-law	<p>54(1) Every by-law of a board shall have 3 distinct separate readings before the by-law is finally passed.</p> <p>(2) Not more than 2 readings of a by-law shall be held at any 1 meeting unless the trustees present at the meeting unanimously agree to give the by-law a 3rd reading.</p> <p>(3) The first reading of a by-law shall be in full and, if each board member has in his possession a written or printed copy of the by-law, the 2nd and 3rd readings may be by title and description only.</p>
Open meetings	<p>55(1) The meetings of a board shall be held in public and no person shall be excluded from them except for improper conduct.</p> <p>(2) The chairman of the board may cause to be expelled and excluded from a meeting any person who, in the opinion of the chairman, is guilty of improper conduct at that meeting.</p>

	<p>(3) Notwithstanding subsection (1), when a majority of the trustees present at a meeting of the board are of the opinion that it is in the public interest to hold the meeting or a part of the meeting in private for the purpose of considering any matter, the board may by resolution exclude any person from the meeting.</p> <p>(4) When a meeting is held in private, the board does not have any power to pass any by-law or resolution at that meeting apart from the resolution necessary to revert to an open meeting.</p>
Quorum	<p>56(1) No act or proceeding of a board is binding unless it is adopted at a meeting at which a quorum of the board is present.</p> <p>(2) The quorum of a board is a majority of the trustees that, as specified under section 217, are to be elected to the board.</p> <p>(3) Notwithstanding subsection (1), the Minister may order that, when the number of trustees has fallen below the quorum, the remaining trustees shall be deemed to be a quorum until elections are held to fill enough of the vacancies so as to achieve a normal quorum.</p>
Voting on question	<p>57(1) All resolutions shall be submitted to a board by the chairman or a trustee and no seconder is required.</p> <p>(2) The chairman and every trustee present at the meeting of the board shall vote for or against every question</p> <p>(a) unless, in a specific case, the chairman or trustee is excused by resolution of the board from voting, or</p> <p>(b) unless otherwise excused by this Act.</p> <p>(3) The secretary of the board shall, whenever a recorded vote is requested by a trustee, record in the minutes the name of each trustee present and whether the trustee voted for or against the matter.</p> <p>(4) Notwithstanding subsection (3), the secretary of the board shall, whenever requested by a trustee, record in the minutes the name of that trustee and whether that trustee voted for or against the matter.</p>
Required votes	<p>58 At a meeting of a board the following applies:</p> <p>(a) each question shall be decided by a majority of the votes of those present;</p> <p>(b) in case of an equality of votes, the question shall be decided in the negative;</p> <p>(c) a vote on a question shall be taken by open vote;</p> <p>(d) notwithstanding clause (c), with respect to the election of a chairman or a vice-chairman, if 1 or more trustees request that the vote be by secret ballot, the vote shall be by secret ballot.</p>
Records	<p>59 The board shall maintain a record of all the proceedings of the board and committees of the board.</p>
Inspection of documents	<p>60(1) At any reasonable time, an elector of a district or division may with respect to the board of that district or division inspect any 1 or more of the following items:</p> <p>(a) the agenda of any public meeting or board meeting;</p>

- (b) the minutes of any public meeting or board meeting;
- (c) any budget adopted by a board;
- (d) any by-law of the board;
- (e) any agreement entered into by the board;
- (f) any account of the board;
- (g) any financial statement prepared pursuant to a requirement of this Act.

(2) An elector of a district or division may make a request of the board of that district or division for a copy of any item that he is entitled to inspect under subsection (1) and the secretary of the board shall provide or, on request, send the copy of the item to the elector on receiving payment for it at the rate prescribed by the board.

Oath of office

61 Every trustee shall

- (a) make and subscribe the official oath prescribed by the *Oaths of Office Act* before entering on his duties, and
- (b) deposit the oath with the secretary of the board.

Regulations

62 The Minister may make regulations

- (a) respecting the banking arrangements and the investments of boards;
- (b) respecting contracts or agreements entered into by a board;
- (c) respecting payments made by boards;
- (d) respecting the establishment of committees by boards;
- (e) governing the provision of information by
 - (i) boards,
 - (ii) trustees,
 - (iii) teachers,
 - (iv) non-teaching employees of a board,
 - (v) operators of private schools, and
 - (vi) operators of early childhood service programs;
- (f) governing the requirements of boards to
 - (i) acquire insurance, or
 - (ii) take part in schemes or arrangements to protect the board, its teachers and other employees with respect to loss or legal liability.

Division 3
Conflict of Interest

Pecuniary
interest

63(1) In this Division,

- (a) “corporation”, “distributing corporation”, “shareholder”, “voting shares”, “voting rights”, “director” and “officer” have the same meanings as they have in the *Business Corporations Act*;
- (b) “pecuniary interest” means, with respect to a trustee, an interest in a matter that could monetarily affect
 - (i) the trustee,
 - (ii) a corporation, other than a distributing corporation, in which the trustee is a shareholder, director or officer,
 - (iii) a distributing corporation in which the trustee beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the trustee is a director or officer,
 - (iv) a partnership or firm of which the trustee is a member, or
 - (v) a corporation, partnership, firm, government or person that employs the trustee.

(2) For the purposes of this Division, the pecuniary interests

- (a) of the spouse, children or parents of a trustee, or
- (b) of the parents of the spouse of a trustee

that are known to the trustee or of which the trustee reasonably should know shall be deemed to be the pecuniary interests of the trustee.

(3) For the purposes of this Division, a trustee of a board does not have a pecuniary interest by reason only of any interest that he may have

- (a) as an elector or taxpayer of the district or division,
- (b) by reason of
 - (i) his appointment by the board as a director of a company incorporated for the purpose of carrying on business for and on behalf of the board, or
 - (ii) his being appointed as the representative of the board on any commission, committee or other body,
- (c) with respect to any allowance, honorarium, remuneration or benefit to which he may be entitled by reason of being a trustee of a board or by reason of having been appointed by the board to a position described in clause (b),
- (d) by reason of his employment by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly af-

fecting the department, corporation or agency of which he is an employee,

(e) by reason of his being a member of

(i) a credit union, a co-operative or a non-profit organization formed under an Act of the Legislature or of the Parliament of Canada, or

(ii) a service club,

(f) by reason of having an interest that is an interest in common with

(i) the majority of electors of the district or division, or

(ii) where the matter affects only part of the district or division, with the majority of electors in that part,

or

(g) by reason of an interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the trustee.

(4) Subsection (3)(e) does not apply to a trustee who is an employee or director of a credit union or co-operative or an employee of an organization or club referred to in that clause.

Disqualification
of trustees

64(1) A person is disqualified from remaining as a trustee of a board if that person

(a) ceases to be qualified for nomination as a trustee under the *Local Authorities Election Act*;

(b) is an auditor or employee of the board for which he is a trustee;

(c) has a beneficial interest in a subsisting contract for the construction, maintenance or repair of real property over which the board has administration;

(d) beneficially owns more than 10% of the issued shares of a corporation that has pecuniary interest in a subsisting contract for the construction, maintenance or repair of real property over which the board has administration;

(e) has a pecuniary interest in a contract or agreement with the board, other than a contract or agreement referred to in section 66;

(f) uses information gained through his position as a trustee of the board to gain a pecuniary benefit in respect of any matter in which he has a pecuniary interest;

(g) is a judge of a court or is a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta;

(h) subject to subsection (2), is absent from the regular meetings of the board for an 8-week period commencing on the date of the first meeting from which he is absent unless

(i) the absence is due to that person's medical incapacity or illness, and

(ii) a medical certificate issued by a physician is produced stating that the person has been medically incapacitated or ill during the 8-week period;

(i) is convicted of

(i) an indictable offence punishable by imprisonment for 5 or more years, or

(ii) an offence under section 112 of the *Criminal Code* (Canada)

for which an absolute discharge or pardon has not been granted.

(2) A person is not disqualified under subsection (1)(h) if his absence is authorized by a resolution of the board passed at any time prior to the conclusion of the regular meeting of the board immediately following the 8-week period.

(3) Where a person

(a) is subject to disqualification from remaining a trustee under subsection (1)(h), and

(b) a resolution is not passed under subsection (2),

that person is disqualified from remaining a trustee at the conclusion of the regular meeting of the board immediately following the 8-week period referred to in subsection (2).

(4) Notwithstanding section 24 of the *Local Authorities Election Act*, a trustee of the board who is disqualified under this section is eligible to be elected at the next ensuing general election held for the election of trustees to the board if that person is qualified for nomination under the *Local Authorities Election Act*.

Disclosure of
pecuniary or
beneficial interest

65(1) In this section, “interest” means

(a) a pecuniary interest, or

(b) a beneficial interest referred to in section 64(1)(c) or (d).

(2) When a trustee has an interest in a matter before the board, any committee of the board or any commission, committee or agency to which he is appointed as a representative of the board, the trustee shall, if present,

(a) disclose the general nature of the interest prior to any discussion of the matter,

(b) abstain from voting on any question relating to the matter,

(c) subject to subsection (4), abstain from any discussion of the matter, and

(d) subject to subsections (3) and (4), leave the room in which the meeting is being held until the discussion and voting on the matter are concluded.

(3) If the matter with respect to which the trustee has an interest is the payment of an account for which funds have previously been committed, it is not necessary for the trustee to leave the room.

(4) If a trustee is temporarily absent from a meeting when a matter in which he has an interest is introduced, he shall, immediately on his return to the meeting or as soon thereafter as he becomes aware that the matter has been considered, disclose the general nature of his interest in the matter.

(5) The abstention of a trustee under subsection (2) and the disclosure of a trustee's interest under subsection (4) shall be recorded in the minutes of the meeting.

(6) Subject to subsection (7), where a trustee

(a) has an interest in a matter before the board, any committee of the board or any commission, committee or agency to which he is appointed as a representative of the board, and

(b) makes a disclosure of that interest in accordance with this section,

that trustee is not disqualified from being a trustee by reason of having that interest.

(7) Subsection (6) does not apply to a beneficial or pecuniary interest referred to in section 64(1)(c), (d) or (e).

(8) A trustee who contravenes this section is disqualified from remaining as a trustee of the board.

Effect of interest
on contract

66 No contract or agreement with a board under which a trustee of the board has a beneficial interest referred to in section 64(1)(c) or (d) or a pecuniary interest is binding on the board unless

(a) the contract or agreement is for the performance of work or the provision of a service in the case of an emergency,

(b) the contract or agreement is for the sale of goods or services to the board or to persons contracting with the board at competitive prices by a dealer in those goods or services incidental to and in the ordinary course of his business, or

(c) the contract or agreement has been approved by the board.

Resignation on
disqualification

67 If a person is disqualified under section 64 or 65 from remaining as a trustee of the board he shall forthwith resign.

Refusal to
resign on
disqualification

68 If the person does not resign as required under section 67,

(a) the board may by resolution, declare that person to be disqualified and the seat on the board to be vacant,

(b) the board may apply by means of an originating notice to the Court of Queen's Bench for

(i) an order determining whether or not the person is qualified to remain a trustee of the board, or

(ii) an order declaring the person to be disqualified from being a trustee of the board,

or

(c) an elector who

(i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a trustee of the board, and

(ii) pays into court the sum of \$250 as security for costs,

may apply by means of an originating notice to the Court of Queen's Bench for an order declaring the person to be disqualified from being a trustee of the board.

Appeal of board's
resolution

69(1) Where a person is disqualified under section 68(a) from remaining a trustee, that person may apply by means of an originating notice to the Court of Queen's Bench for an order declaring him to be qualified to remain a trustee.

(2) Where a person

(a) who is disqualified under section 68(a) from remaining as a trustee, and

(b) makes an application to the Court under subsection (1),

that person remains disqualified unless the Court otherwise orders.

(3) An application under this section must be made within 30 days from the date that the resolution was passed under section 68(a).

(4) On hearing an application and any evidence, either oral or by affidavit, that the Court requires, the Court may make an order, with or without costs,

(a) declaring the person to be qualified to be a trustee of the board and

(i) reinstating the person as a trustee for any unexpired portion of the term of office for which he was elected,

(ii) requiring any person who has been elected to fill the balance of that term to vacate the office, and

(iii) requiring the repayment to the reinstated person of any honoraria, salary or entitlement that was not paid to him during the period of disqualification,

or

(b) declaring the person to be disqualified from remaining a trustee and the seat on the board to be vacant.

Hearing of
application

70(1) On hearing an application under section 68 (b) or (c) and any evidence, either oral or by affidavit, that the Court requires, the Court may make an order, with or without costs,

(a) declaring the person to be disqualified and his seat on the board to be vacant,

(b) declaring the person to be qualified to remain as a trustee of the board, or

(c) dismissing the application.

(2) If the Court declares a person disqualified for a contravention of section 64(c), (d), (e) or (f), it may order the person to pay to the board the total amount of any profit made in contravention of that section.

(3) An application heard under this section

(a) must be made within 3 years from the date that the contravention is alleged to have occurred, and

(b) may be commenced or continued notwithstanding that an election has been held between the time at which the disqualification is alleged to have arisen and the time at which the application is or was commenced and whether or not the person in respect of whom the application is being brought

(i) resigns before or after the election,

(ii) was re-elected in the election,

(iii) was not re-elected or did not run in the election, or

(iv) has completed a term of office.

Dismissal of
application for
disqualification

71 Where the Court hears an application made under section 68(b) or (c) or 69 and finds that the person is disqualified, the Court may nevertheless declare the person to be qualified to be a trustee if it is of the opinion that the disqualification arose inadvertently or by reason of a bona fide error in judgment.

Appeal of
declaration of
disqualification

72(1) The decision of the Court of Queen's Bench on an application made under section 68, 69 or 71 may be appealed to the Court of Appeal.

(2) A person who is declared disqualified by the Court of Queen's Bench and appeals that declaration remains disqualified until the final determination of the appeal.

(3) If, on the final determination of the appeal, the disqualification is set aside, the Court of Appeal

(a) shall

(i) reinstate the person as a trustee for any unexpired portion of the term of office for which he was elected,

(ii) require any person who has been elected to fill the balance of that term to vacate the office, and

(iii) require the repayment to the reinstated person of any honoraria, salary or entitlement that was not paid to him during the period of disqualification,

and

(b) may order that any money paid to the board pursuant to section 70(2) be paid back to the trustee together with any interest.

(4) If, on the final disposition of the appeal, the disqualification is set aside but the term of office for which the person was elected has expired, he shall not be reinstated, but he is eligible to be elected at the next ensuing election for the election of trustees to the board, if otherwise qualified.

Reimbursement

73(1) If

(a) an application made under section 68(b) or (c) is dismissed, or

(b) an order is issued declaring that the person is qualified to remain as a trustee of the board,

the board may reimburse the person in respect of whom the application was made for any of his costs and expenses that the board considers reasonable other than costs that have already been awarded to the trustee by the judge.

(2) A board may contract for insurance in respect of payments under subsection (1).

Disclosure of information

74(1) A board shall

(a) require that each trustee of the board file with the board's secretary a statement showing

(i) the names and employment of the trustee's spouse, children and parents and the parents of the trustee's spouse, and

(ii) the names of any corporation, partnership, firm, government or person referred to in section 63(1)(b),

and

(b) require the board's secretary

(i) to compile a list of all the names reported on the statements filed with him, and

(ii) to provide a copy of the list to

(A) all the trustees of the board,

(B) the superintendent of the board, and

(C) those officials and employees of the board as the board directs.

(2) A person who fails to comply with subsection (1)(a) is guilty of an offence and liable to a fine of not more than \$1000.

**PART 4
EMPLOYMENT**

**Division 1
Teachers**

Qualifications re employment	75 A board shall employ as a teacher only a person who holds a certificate of qualification as a teacher issued under the <i>Department of Education Act</i> .
Qualifications re supervisory position	76 Unless a person holds a certificate of qualification as a teacher issued under the <i>Department of Education Act</i> , that person is not eligible to hold a supervisory position that directly relates to the teaching functions of a teacher.
Acting principal	77(1) Notwithstanding section 14, a board may <ul style="list-style-type: none">(a) designate a teacher to be an acting principal for a period not exceeding 1 year, and(b) assign that acting principal to a school. <p>(2) Where a board has designated an acting principal under subsection (1), the board shall within 1 year from the date of that designation, assign a principal to that school.</p>
Supervisory, administrative and consultative positions	78(1) A board may designate any teacher to an administrative, supervisory or consultative position.
	<p>(2) When an organization representing teachers carries on collective bargaining on behalf of the teachers, a board and the organization, through negotiation, may include in or exclude from the teachers on whose behalf the organization is bargaining any teacher in respect of whom a designation is made under subsection (1).</p>
Contracts of employment	79(1) In this section, “day” or “day in a school year” <ul style="list-style-type: none">(a) means a day on which instruction is given by a teacher, and(b) includes<ul style="list-style-type: none">(i) a day on which a school is closed due to an emergency,(ii) a day on which a school is closed by order of the Minister,(iii) 2 days for teacher’s convention,(iv) holidays declared by a board, and(v) any other days that are approved by the Minister. <p>(2) Unless a teacher agrees, a board may not require a teacher to instruct students<ul style="list-style-type: none">(a) for more than 330 minutes during a day, or(b) for less than 190 or more than 200 days in a school year.</p> <p>(3) Subject to subsection (2) and notwithstanding any other agreement to the contrary, the terms and conditions of a contract of em-</p>

ployment between a board and a teacher shall be comprised of the following:

(a) except in the case of a teacher excluded under section 78(2), the terms and conditions

(i) negotiated under the *Labour Relations Act*, and

(ii) agreed to between the board and an organization representing teachers;

(b) this section and sections 77 to 83 and 85 to 90;

(c) the terms and conditions agreed to between the board and the teacher.

(4) Any contract of employment excluding or purporting to exclude the provisions of subsection (3)(a) and (b) is void.

(5) Every contract of employment between a board and a teacher shall

(a) be entered into by an offer in writing by a person acting on behalf of the board, and

(b) be accepted in writing by the teacher.

(6) For the purposes of this section an offer, acceptance, confirmation, statement or notification shall

(a) be in writing, and

(b) be

(i) sent by registered or ordinary mail to, or

(ii) personally served on,

the person to whom it is addressed.

Continuing
contract

80 Subject to this Act, a contract of employment between a board and a teacher continues in force from year to year.

Temporary
contract

81(1) A teacher may be employed by a board under a temporary contract of employment when that teacher is being employed for the purpose of

(a) replacing a teacher who is absent from his duties for a period of not less than 20 consecutive teaching days, or

(b) occupying, for not less than 20 consecutive teaching days, a teaching position that has become vacant during a school year.

(2) A temporary contract entered into under subsection (1) shall

(a) be in writing,

(b) specify the date on which the teacher commences employment with the board, and

(c) terminate

(i) on June 30 immediately following the commencement date specified in the temporary contract, or

(ii) on any date provided for in the temporary contract,

whichever occurs first.

(3) Notwithstanding anything contained in a temporary contract, a party to that contract may terminate the temporary contract by giving 30 days' written notice of the termination to the other party to the contract.

(4) Section 113 does not apply with respect to the termination of a temporary contract under this section.

Contract for
1 year

82(1) A board may employ a teacher for a complete school year under a contract of employment that terminates at the conclusion of that school year if that teacher

(a) was not employed by that board as a teacher in the previous year, or

(b) was employed by that board in the previous year under section 84 or under a contract referred to in section 81.

(2) For the purposes of subsection (1), a teacher employed under section 83 is deemed to have been employed by the board for a complete school year if at the conclusion of a school year the total amount of time that the teacher has taught for the board is at least equal to the amount of time the teacher would be required to teach in a complete school year if the teacher had been employed by the board to teach on a full-time basis.

Part-time
teachers

83(1) A board may employ a teacher under a contract of employment for a period that includes all the teaching days in a school year

(a) to teach on a part-time basis, and

(b) who will be paid only for the time that the teacher teaches.

(2) When the board employs a teacher under this section, the board may, unless that teacher's contract of employment provides otherwise, vary the amount of time that the teacher is required to teach in the subsequent semester or school year.

(3) If

(a) a board, under subsection (2), varies the amount of time that a teacher is required to teach, and

(b) the teacher does not agree to teach for that amount of time, the board may terminate that teacher's contract of employment.

(4) Section 113 does not apply in respect of a termination of a contract under subsection (3).

Day to day
teachers

84(1) A teacher may teach without a contract of employment pursuant to section 79 only when the teacher is employed

(a) on a day to day basis, or

	<p>(b) to occupy a vacancy that is expected to be less than 20 consecutive teaching days.</p> <p>(2) Neither a teacher who teaches without a contract of employment pursuant to section 79 nor the board employing him may appeal to the Board of Reference.</p>
Transfer of teacher	<p>85(1) A board may, at any time during a school year, transfer a teacher from</p> <p>(a) one of its schools to another of its schools, or</p> <p>(b) one room in one of its schools to another room in the same school.</p> <p>(2) Subject to this section, if a teacher is transferred, that transfer becomes effective not less than 7 days from the day that the notice of transfer is received by the teacher.</p> <p>(3) When a teacher is given a notice of transfer, that teacher may, within 7 days from the day of receiving the notice of transfer, make a written request to the board to have a hearing before the board for the purpose of objecting to the transfer.</p> <p>(4) Where a teacher makes a request to have a hearing before a board under subsection (3), that teacher shall not be transferred until the hearing is held.</p> <p>(5) Notwithstanding section 90, if a teacher</p> <p>(a) has been given a notice of transfer and does not wish to transfer in accordance with the notice, or</p> <p>(b) has been given a hearing before the board under this section and does not wish to comply with the decision of the board,</p> <p>that teacher may resign from his employment with the board on giving to the board 30 days' written notice of his resignation.</p> <p>(6) Notwithstanding that 30 days have not passed from the date that a teacher gave notice of resignation under subsection (5), the contract of employment between that teacher and the board terminates upon the board paying to the teacher the salary that the teacher would have been entitled to if the teacher had remained in the employ of the board for 30 days from the date of the giving of his notice of resignation.</p>
Suspension of teacher	<p>86(1) When a board has reasonable grounds for believing that</p> <p>(a) a teacher has been guilty of gross misconduct, neglect of duty or refusal or neglect to obey a lawful order of the board, or</p> <p>(b) the presence of a teacher is, for reason of mental infirmity, detrimental to the well being of the school,</p> <p>the board may suspend the teacher from the performance of his duties.</p> <p>(2) The board shall</p> <p>(a) give written notice of the suspension to the teacher specifying the reasons for the suspension, and</p>

(b) forward a copy of the notice of suspension together with a written statement of the facts alleged to the Minister.

(3) If the Board of Reference under section 119 authorizes the board to terminate the contract of employment of a teacher, the board may terminate that contract and on so doing the board shall be deemed to have acted reasonably.

(4) If

(a) the suspension is appealed under section 113 to the Board of Reference, and

(b) the Board of Reference confirms the suspension,

the board may,

(c) terminate that suspension of the teacher, or

(d) terminate the contract of employment of the teacher.

(5) If the teacher does not appeal the suspension to the Board of Reference, the board shall make an investigation of the circumstances and may reinstate the teacher.

(6) A teacher who is suspended shall be paid his salary until that teacher's contract of employment is terminated in accordance with this Act.

Termination
of contract

87(1) A contract of employment between a board and a teacher automatically terminates at the time that

(a) the certificate of qualification of the teacher is suspended or cancelled by the Minister, or

(b) the certificate of qualification of the teacher expires.

(2) A contract of employment between a board and a teacher may be terminated by mutual consent.

Termination of
contract by board

88(1) A board may terminate

(a) a contract of employment with a teacher, or

(b) a designation of a teacher made pursuant to section 14, 77 or 78,

after giving the teacher written notice of the termination not less than 30 days prior to the effective date of the termination.

(2) In terminating a contract of employment or a designation, the board shall act reasonably.

(3) A notice of termination of a contract of employment or a designation shall specify the reasons for the termination.

(4) Where a teacher has been served with a notice of termination of contract or a designation, the board may suspend that teacher from his duties.

(5) A notice of termination of a designation or the termination of the designation does not terminate a contract of employment.

	<p>(6) A teacher who has been suspended under this section is entitled to receive pay until the effective date of the termination of the teacher's contract or designation.</p>
Termination of contract by teacher	<p>89(1) A teacher may terminate a contract of employment with a board after giving the board 30 days' written notice of his intention to terminate that contract.</p> <p>(2) If a teacher has terminated his contract of employment with a board before rendering any service under the contract, that teacher shall not be employed by another board unless the board with which the teacher's contract was terminated gives its prior approval to that teacher's employment with that other board.</p>
Notice of termination	<p>90 Subject to section 87(2), a notice of termination of a contract of employment shall not be given by a board or a teacher</p> <p>(a) in the 30 days preceding, or</p> <p>(b) during</p> <p>a vacation period of 14 or more days' duration.</p>
Termination of designation	<p>91(1) Notwithstanding section 85, a teacher, on receipt of a termination of designation, may terminate his contract of employment by giving 30 days' written notice to the board of his intention to terminate that contract.</p> <p>(2) No appeal may be made from a termination of a contract to the Board of Reference if the contract of employment is terminated pursuant to subsection (1).</p>
Salaries	<p>92(1) Subject to section 79, a board</p> <p>(a) shall pay the annual salary of every teacher who teaches on all the days of a school year on which his school is in operation;</p> <p>(b) shall, except as provided in clause (c), pay to every teacher who</p> <p>(i) is under contract for a period including all the teaching days of a school year, and</p> <p>(ii) does not teach on all the days on which the teacher's school is in operation,</p> <p>that teacher's full annual salary less 0.5% of the salary for each day on which the teacher does not teach;</p> <p>(c) shall pay</p> <p>(i) to every teacher under contract for a period that does not include all the teaching days of a school year, and</p> <p>(ii) to every teacher who is under contract for a period including all the teaching days of a school year but who during that year teaches on fewer than 100 days,</p> <p>0.5% of the teacher's annual salary for each day taught;</p>

(d) shall not deduct any amount from a teacher's salary in respect of that teacher's absence if the absence

(i) is approved by the board or the Minister, or

(ii) is

(A) for the purpose of that teacher receiving necessary medical or dental treatment, or

(B) on account of injury to or illness or disability of that teacher,

when the total number of days that the teacher is absent in a school year does not exceed the total number of days of absence which that teacher is allowed under subsection (2);

(e) may authorize an absence without pay.

(2) For the purposes of subsection (1)(d)(ii), a teacher is allowed to be absent in a school year not more than

(a) a total of 20 days, or

(b) the number of days determined by dividing by 9 the total number of days that the teacher taught for the board during the school year,

whichever is the lesser number of days.

(3) Notwithstanding subsection (1)(d)(ii), a board may, before paying salary under subsection (1)(d)(ii), require a certificate from a physician or a dental surgeon.

(4) A board may under this section pay full or part salary for a greater number of days than 20.

(5) A board may adopt a scheme whereby a teacher may earn, during the teacher's service with a board, an entitlement of salary applicable to periods of illness, the unused portion of which may be carried forward from year to year.

(6) Notwithstanding any agreement to the contrary, a board shall,

(a) on or before the last day of each month, or

(b) within 7 days from the date of the termination of a contract of employment,

pay to a teacher on contract the money due to the teacher.

(7) Notwithstanding subsection (6), a board may withhold

(a) at the end of each school year, or

(b) at the termination of a contract of employment,

an amount not exceeding 1 month's pay for a period not exceeding 7 days following the submission of any reports, returns or property of the board or the Government that are required to be returned to the board or Government.

- (8) When a teacher's employment with a board terminates prior to
- (a) the conclusion of the school year, in the case of a teacher employed under a contract to teach during all the teaching days in a school year, or
 - (b) the expiry date provided for in the contract or under this Act, in the case of a teacher employed under a contract to teach for part of a school year,

the board may deduct from the amounts payable to that teacher 0.5% of the teacher's annual salary for each day that the teacher was absent that exceeds

- (c) the number of days that the teacher was allowed under subsection (2), or
- (d) the number of days determined by dividing by 9 the total number of days that the teacher taught for the board in the school year in which the teacher's employment was terminated,

whichever is the greater number of days.

Unqualified
teachers

93(1) A board shall not knowingly employ a person as a teacher who does not hold a certificate of qualification as a teacher issued under the *Department of Education Act*.

(2) Unless otherwise authorized under this Act, a person shall not teach in a school operated by a board unless that person holds a certificate of qualification as a teacher issued under the *Department of Education Act*.

(3) A board or person who contravenes this section is guilty of an offence and liable to a fine of not more than \$500.

(4) A person who is not permitted to teach is not entitled to recover any remuneration for his services as a teacher.

Division 2

Non-Teaching Employees

Superintendent
of schools

94(1) Subject to the regulations, a board shall, unless exempted by the Minister, appoint a superintendent of schools who shall be the chief executive officer of the board.

(2) The Minister may make regulations

- (a) respecting the appointment of superintendents of schools, and
- (b) governing the qualifications of superintendents of schools.

Secretary and
treasurer

95 The board shall

- (a) appoint a secretary and a treasurer, or 1 person to act as secretary-treasurer,
- (b) forthwith notify the Minister of the appointment, and
- (c) arrange for the bonding of the treasurer or the secretary-treasurer, as the case may be, in an amount that is reasonable in the circumstances.

Auditor	<p>96 The board shall appoint an auditor who shall be</p> <ul style="list-style-type: none"> (a) a chartered accountant, (b) a certified general accountant, or (c) a certified management accountant.
Other non-teaching employees	<p>97 In addition to the employees referred to in sections 94 to 96, the board may employ other non-teaching employees as the board considers necessary for its operation.</p>

Division 3

General

Medical examination	<p>98 Subject to this Act and the regulations, a board may require any person employed by it to undergo a medical examination by a physician named or approved of by the board.</p>
Labour Relations Act	<p>99(1) Notwithstanding anything in this Act, the <i>Labour Relations Act</i> applies to a board and the employees of that board.</p> <p>(2) A board may</p> <ul style="list-style-type: none"> (a) be a member of an employer's organization, and (b) delegate its power to bargain with any of its employees to the employer's organization. <p>(3) When a delegation is made under subsection (2), the employer's organization may, subject to any limitation set out in the delegation, bargain collectively and make an agreement on the board's behalf in accordance with the <i>Labour Relations Act</i>.</p>
Trustees	<p>100 For the purposes of the <i>Labour Relations Act</i> and the <i>Employment Standards Act</i>, neither</p> <ul style="list-style-type: none"> (a) a trustee of a board, nor (b) an official trustee appointed under the <i>Department of Education Act</i>, <p>is an employee of the board.</p>
Employee contracts	<p>101(1) In this section, "pecuniary interest" means, with respect to an employee of a board, an interest in a matter that could monetarily affect</p> <ul style="list-style-type: none"> (a) the employee, (b) a corporation, other than a distributing corporation, in which the employee is a shareholder, director or officer, (c) a distributing corporation in which the employee beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the employee is a director or officer, (d) a partnership or firm of which the employee is a member, or

(e) a corporation, partnership, firm, government or person that employs the employee.

(2) For the purposes of this section, the pecuniary interests

(a) of the spouse, children or parents of an employee, or

(b) of the parents of the spouse of an employee,

that are known to the employee or of which the employee reasonably should know shall be deemed to be the pecuniary interests of the employee.

(3) For the purposes of this section, an employee does not have a pecuniary interest by reason only of any interest that he may have

(a) as an elector or taxpayer of the district or division,

(b) by reason of

(i) his appointment by the board as a director of a company incorporated for the purposes of carrying on business for and on behalf of the board, or

(ii) his being appointed as the representative of the board on any commission, committee or other body,

(c) with respect to any allowance, honorarium, remuneration or benefit to which he may be entitled by reason of being an employee of a board or by reason of having been appointed by the board to a position described in clause (b),

(d) by reason of his employment by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or department, corporation or agency of which he is an employee,

(e) by reason of his being a member of

(i) a credit union, a co-operative or a non-profit organization formed under an Act of the Legislature or of the Parliament of Canada, or

(ii) a service club,

(f) by reason of having an interest that is an interest in common with

(i) the majority of electors of the district or division, or

(ii) where the matter affects only part of the district or division, with the majority of electors in that part,

or

(g) by reason of an interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the employee.

(4) Subsection (3)(e) does not apply to an employee who is an employee or director of a credit union or co-operative or an employee of an organization or club referred to in that clause.

(5) No employee of a board either in his own name or in the name of another, alone or jointly with another, shall enter into an agreement, other than a contract of employment,

(a) with the board by which he is employed, and

(b) with any person contracting with the board,

if he has a pecuniary interest in the agreement unless

(c) other than in the case of the purchase of real property from or the sale of real property to the board, the employee

(i) discloses his interest to the board, and

(ii) obtains the board's approval to enter into the agreement, before entering into the agreement, and

(d) in the case of the purchase of real property from or the sale of real property to the board, the employee

(i) declares his interest to the board, and

(ii) obtains the board's and the Minister's approval to enter into the agreement,

before entering into the agreement.

(6) A contract entered into in contravention of subsection (5) is void.

Return of
property on
ceasing to
hold office

102 Where a person

(a) was a trustee, teacher or other employee of a board,

(b) has in his possession or control over any money, book, paper, thing or other property that is the property of the board or the Government, and

(c) after being given a written notice by the board or the Minister to deliver up possession of that property in accordance with the directions in the notice, refuses or fails to deliver up possession of that property to the board or the Minister in accordance with the notice,

that person is guilty of an offence and liable to a fine of not more than \$50 for each day that he does not deliver possession of that property to the board or the Minister in accordance with the notice.

PART 5

APPEALS

Division 1

Appeals Concerning Student Matters

Appeal to board

103(1) Where a decision of an employee of a board significantly affects the education of a student,

(a) the parent of the student, and

(b) in the case of a student who is 16 years of age or older, the student,

or either of them, as the case may be, may within a reasonable time from the date that the parent or student was informed of the decision appeal that decision to the board.

Review by
the Minister

(2) For the purposes of hearing appeals under this section a board shall establish an appeal procedure.

(3) A board may establish 1 or more committees for the purpose of carrying out the board's responsibilities under this section.

104(1) Where a person appeals a decision to the board under section 103 with respect to

- (a) the placement of a student in a special education program,
- (b) the provision of a French language program,
- (c) a home education program,
- (d) the suspension or expulsion of a student,
- (e) the accuracy or completeness of the information contained in a student record, or
- (f) the payment of fees,

that person may in writing request the Minister to review the decision of the board.

(2) Where a dispute arises

- (a) as to the amount of fees that are payable by a board under Part 3, or
- (b) as to which board is responsible for a student,

a board or other person that is a party to the dispute may in writing request the Minister to review the matter.

(3) On reviewing a request made under this section, the Minister may

- (a) investigate the matter,
- (b) advise the parties with respect to the dispute, and
- (c) through mediation between the parties to the dispute attempt to settle the matter.

(4) Where

- (a) the Minister reviews a matter under this section, and
- (b) the parties to the dispute are unable to settle the matter,

the Minister may, subject to this Act and the regulations, make whatever decision with respect to the matter in dispute that appears appropriate in the circumstances and that decision is final.

Committees,
tribunals, etc.

105 The Minister may appoint a person, committee or tribunal

- (a) to carry out, on behalf of the Minister, the Minister's functions under section 104 subject to those terms or conditions prescribed by the Minister, or
- (b) to assist the Minister in carrying out the Minister's functions under section 104.

Minister's powers
not restricted

106 Nothing in this Division restricts

- (a) the Minister's right to
 - (i) review any other matter referred to the Minister, or
 - (ii) make a decision,under any other provision of this Act, or
- (b) the process under which the Minister may make a decision or take action under any other provision of this Act.

Division 2

Attendance Board

Duties of Board

107 An Attendance Board shall hear all matters referred to it under this Act with respect to the failure of a student to attend a school.

Matters
governing
hearings

108 For the purpose of conducting a hearing before the Attendance Board, the following applies:

- (a) notice in writing of the time, place and purpose of the hearing shall be served on the parent and, if the student is capable of understanding the situation, the student who is the subject of the hearing at least 10 days before the commencement of the hearing;
- (b) a notice in writing of the time, place and purpose of the hearing shall be served at least 10 days before the commencement of the hearing on any other person, in addition to the person referred to in clause (a), as the Attendance Board directs;
- (c) the Attendance Board has, with respect to the holding of a hearing, the same power as is vested in the Court of Queen's Bench for the trial of civil actions
 - (i) to summon and enforce the attendance of witnesses,
 - (ii) to compel witnesses to give evidence on oath or otherwise, and
 - (iii) to compel witnesses to produce documents, records and things;
- (d) the Attendance Board may require a board to produce to the Attendance Board, prior to a hearing, copies of all reports, statements, correspondence or other documents or things relating to the matter being heard;
- (e) if a person fails to attend, to answer questions or to produce an item as required under clause (c) or (d), the Attendance Board may apply to the Court of Queen's Bench for an order committing that person for contempt in the same manner as if that person were in breach of an order or judgment of that Court;
- (f) the Attendance Board shall receive any evidence presented to it that is relevant to the matter being heard;
- (g) the rules of evidence applicable to judicial proceedings do not apply;

(h) all oral evidence received shall be taken down in writing or recorded by electronic means;

(i) all the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at a hearing form the record of the proceeding;

(j) the Attendance Board may from time to time adjourn matters that are before the Board;

(k) a hearing shall be held in public;

(l) notwithstanding clause (k), a hearing or any portion of it, may be held in private if in the opinion of the Attendance Board it is in the public interest to do so;

(m) a person who is likely to be affected by a hearing before the Attendance Board is entitled

(i) to appear before the Attendance Board, and

(ii) to make representations to the Attendance Board;

(n) a witness attending a proceeding before the Attendance Board is entitled to the same fees and allowances as a witness summoned to attend at the Provincial Court unless otherwise provided for by a regulation made under this Act.

Order of Board

109(1) On hearing a matter referred to it, the Attendance Board may, subject to any terms or conditions that the Attendance Board considers proper in the circumstances, make an order doing 1 or more of the following:

(a) directing the student to attend school;

(b) directing the parents of a student to send the student to school;

(c) directing the student to take any education program, course of study or student program as set out in the order;

(d) directing the student to take counselling;

(e) directing the parent of the student to take counselling;

(f) referring the matter to a director under the *Child Welfare Act*;

(g) imposing on the student's parent a monetary penalty not exceeding \$100 per day up to a maximum of \$1000 to be paid to the Crown for each day that the student does not attend school;

(h) giving such other direction not referred to in clauses (a) to (f) as the Attendance Board considers appropriate in the circumstances.

(2) A copy of an order of the Attendance Board may be filed with the clerk of the Court of Queen's Bench in the judicial district in which the cause of the proceedings before the Attendance Board arose.

(3) On filing a copy of an order with the clerk of the Court of Queen's Bench pursuant to subsection (1), the order of the Attendance Board

has the same force and effect as if the order were an order of that Court.

Establishment
of Board

110(1) The Minister may

- (a) divide Alberta into attendance districts, and
- (b) appoint an Attendance Board consisting of as many members as the Minister considers necessary and designate from among the members a chairman and 1 or more vice-chairmen.

(2) The members of the Attendance Board shall be paid the remuneration and expenses as the Minister determines.

Sitting in panels

111(1) At the request of the chairman or a vice-chairman, 3 or more members may sit as a panel of the Attendance Board.

(2) Two members constitute a quorum at a sitting of a panel of the Attendance Board.

(3) A decision or other action made or taken at a sitting of a panel of the Attendance Board at which a quorum is present

- (a) is the decision or action of the Attendance Board, and
- (b) binds all members of the Attendance Board.

(4) A panel of the Attendance Board has, with respect to its duties, the same jurisdiction as that of the Attendance Board and may exercise and perform all the powers of the Attendance Board under this Act and the regulations.

(5) The chairman may designate a member of a panel of the Attendance Board to preside at any sitting of the panel at which the chairman is not present.

(6) A panel of the Attendance Board shall conduct its sittings separately from those of another panel of the Attendance Board being conducted at the same time.

(7) Where a hearing is conducted by a panel of the Attendance Board and 1 or more members of the panel do not for any reason attend on any day or part of a day, the remaining members present may, if they constitute a quorum of the panel, continue with the hearing.

Division 3

Board of Reference

Board

112(1) The Lieutenant Governor in Council shall appoint a Board of Reference consisting of those persons as he considers necessary.

(2) The members of the Board of Reference shall be paid the remuneration and expenses as the Lieutenant Governor in Council determines.

(3) An appeal referred to the Board of Reference may be heard by 1 or more members of the Board.

(4) Where an appeal referred to the Board of Reference is heard by 1 or more members of the Board,

(a) that member or members, as the case may be, have all the powers of and may carry out, in respect of that appeal, all the duties and functions of the Board of Reference, and

(b) the decision of that member or members, as the case may be, is the decision of the Board of Reference.

(5) For the purpose of carrying out its duties and functions under this Division the Board of Reference and each of its members has the powers of a commissioner under the *Public Inquiries Act*.

Appeal

113 If a disagreement arises between a board and a teacher with respect to

(a) a termination of a contract of employment,

(b) a suspension of the teacher,

(c) a termination of a designation of a teacher, or

(d) the refusal of a board to give an approval pursuant to section 89(2),

the board or the teacher may appeal the matter to the Minister by providing to the Minister a notice of appeal in accordance with section 114.

Notice of appeal

114(1) The notice of appeal shall

(a) be in writing, and

(b) set out the nature of the appeal.

(2) The board or teacher appealing shall within 14 days from the date of receipt of the notice of

(a) termination of contract or of designation,

(b) suspension, or

(c) refusal to give an approval,

send by registered mail

(d) to the Minister, the notice of appeal and a \$50 deposit, and

(e) to the other party to the appeal, a copy of the notice of appeal.

Appeal referred to Board

115(1) On receiving a notice of appeal, the Minister shall refer the appeal to the Board of Reference.

(2) The Board of Reference shall, on having an appeal referred to it,

(a) set the time, place and date for the hearing of the appeal, and

(b) notify the parties to the appeal of the time, place and date of the appeal.

Withdrawal of appeal	<p>116 An appeal may be withdrawn at any time</p> <ul style="list-style-type: none"> (a) before or during the hearing of the appeal, or (b) before the Board of Reference makes its decision.
Investigation	<p>117 In considering the matter being appealed, the Board of Reference</p> <ul style="list-style-type: none"> (a) may make any investigation it considers necessary; (b) if an appeal is from a suspension imposed under section 86(1)(b), may require the teacher who is the subject of the appeal to produce a certificate <ul style="list-style-type: none"> (i) that is issued by a physician approved or appointed by the Board of Reference, and (ii) certifying as to the teacher's health; (c) if an appeal is from a suspension, shall inform the board and the teacher of its decision within 10 days from the conclusion of its investigation.
Hearing	<p>118 Other than setting the appeal down for hearing under section 115(2), the Board of Reference shall not make any decision in respect of the matter being appealed without giving the parties to the appeal an opportunity to be heard.</p>
Refusal to produce medical certificate	<p>119 Notwithstanding section 118, if the teacher refuses or fails to produce a certificate as required under section 117(b), the Board of Reference may authorize the board to terminate the teacher's contract of employment.</p>
Order of Board	<p>120 In deciding the matter being appealed, the Board of Reference may make an order doing 1 or more of the following:</p> <ul style="list-style-type: none"> (a) confirming the termination, suspension or refusal to give an approval; (b) varying the terms under which the termination, suspension or refusal to give an approval takes place; (c) directing the board <ul style="list-style-type: none"> (i) to reinstate the contract of employment or the designation of a teacher, or (ii) to give the approval; (d) removing the suspension; (e) directing a board to pay to the teacher salary for a specified period; (f) authorizing a board not to pay salary to the teacher for a specified period; (g) providing for any matter not referred to in clauses (a) to (f) that the Board considers appropriate in the circumstances.

Irregularities in notice of appeal	121 The Board of Reference may proceed with an appeal under this Division notwithstanding any irregularity with respect to the notice of appeal if the Board of Reference is of the opinion that none of the parties to the appeal were substantially affected by the irregularity.
Costs	<p>122(1) Each party to the appeal shall pay his own costs unless the Board of Reference otherwise orders.</p> <p>(2) The Board of Reference may with respect to the deposit paid under section 114(2) make an order doing 1 or more of the following:</p> <ul style="list-style-type: none"> (a) requiring that it be paid in whole or part to the person against whom the appeal was made in payment or part payment of costs; (b) requiring that it be retained in whole or part by the Minister and paid into the General Revenue Fund; (c) requiring that it be repaid in whole or part to the person who paid it to the Minister. <p>(3) If the Board of Reference does not make any order as to costs, the deposit paid under section 114(2) shall be repaid to the person who paid the deposit.</p>
Enforcement of order	<p>123(1) A copy of the order made by the Board of Reference under section 120 or 122 shall be filed with the clerk of the Court of Queen's Bench in the judicial district in which the cause of the proceedings before the Board of Reference arose.</p> <p>(2) On filing a copy of an order with the clerk of the Court of Queen's Bench pursuant to subsection (1), the order of the Board of Reference has the same force and effect as if the order were an order of that Court.</p>
Restrictions	124 Where the suspension of a teacher and the termination of that teacher's contract of employment arose out of the same set of circumstances only 1 appeal may be made under this Division in respect of that suspension and termination.

PART 6
FINANCE
Division 1
General

Board's fiscal year	125 The fiscal year of a board is September 1 to the following August 31.
Financial reporting	<p>126(1) Subject to the regulations, the board shall do the following:</p> <ul style="list-style-type: none"> (a) prepare a financial statement covering the 12 months ending on the previous August 31; (b) submit to the Minister a copy of <ul style="list-style-type: none"> (i) the financial statement, (ii) the auditor's report and any special report, and

	<p>(iii) all written communications that took place between the auditor and the board in respect of the internal control and accounting procedures of the board;</p> <p>(c) prepare and submit to the Minister a budget for the 12 months beginning on the following September 1.</p> <p>(2) The Minister in his discretion may publish or otherwise disseminate all or part of the documents submitted to him pursuant to this section.</p>
Auditor's report	<p>127(1) The auditor of a board shall</p> <p>(a) make the necessary examinations and inquiries that will enable him to report on the operations and affairs of the board, and</p> <p>(b) on making those examinations and inquiries referred to in clause (a), make a written report to the board on the financial statement prepared pursuant to this Act.</p> <p>(2) The auditor</p> <p>(a) shall at all times be given by the board and its employees access to all records, documents, books of account and vouchers of the board, and</p> <p>(b) is empowered to inquire and receive from the board and its employees any information and explanations that in the auditor's opinion may be necessary to enable him to report as required under this section.</p>
Attendance at board meetings	<p>128 The board may request the auditor to attend a board meeting to discuss any matters relating to the auditor's report and on the request being made to the auditor the auditor shall attend the board meeting for that purpose.</p>
Application of funds	<p>129(1) Subject to subsections (3) and (4), any money of a board accumulated by way of a reserve fund for capital expenditure shall be used only for capital expenditures.</p> <p>(2) Subject to subsection (1), any money of a board</p> <p>(a) acquired by borrowing, other than debenture borrowing, or</p> <p>(b) acquired in any other manner</p> <p>shall be used only for the purpose for which it was acquired or accumulated.</p> <p>(3) The Minister may, on any conditions that the Minister prescribes, grant permission to a board to use money acquired or accumulated pursuant to subsection (1) for purposes other than capital expenditures.</p> <p>(4) Notwithstanding subsection (1), a board may effect a temporary transfer of capital funds to an account for current expenses for any period not exceeding 1 year and on the capital funds being so transferred the funds may be applied during that period toward current expenses.</p>

Regulations

130 The Minister may make regulations

- (a) governing the times at which, the manner in which and the information to be provided in a financial statement, auditor's report and budget;
- (b) respecting the matters to be reported on by an auditor;
- (c) governing the conditions under which a special auditor's report shall be made;
- (d) prescribing the persons to whom an auditor's report shall be submitted;
- (e) governing the handling by a board of an auditor's report.

Division 2

Assessment of Property

Assessment

131(1) Except as otherwise provided for in this Division, all property is assessable for public school purposes.

(2) If the religion of an individual is not known, his property is assessable for public school purposes.

Property owned
by individuals

132(1) If

- (a) a separate school district has been established, and
- (b) the religion of an individual, whether Protestant or Roman Catholic, is the same as those who established the separate school district,

the property of that individual is assessable for separate school purposes.

(2) When

- (a) a separate school district exists, and
- (b) the property is held by 2 or more individuals as joint tenants or tenants in common,

each individual shall be assessed for the purposes of the district of which he is a resident, in proportion to his interest in the property.

(3) For the purposes of this section, when property is held by 2 or more individuals as joint tenants, they shall be deemed to hold that property in equal shares and shall be assessed accordingly.

List of separate
school district
residents

133(1) Where a separate school district is established, the board of the separate school district shall

- (a) before December 1 next following the establishment of the separate school district, and
- (b) according to the information available to the board,

submit to each municipality within which the district lies a list of the names and addresses of all persons whose property is liable to assessment and taxation for the support of the separate school district.

(2) A list submitted to a municipality under subsection (1) becomes effective on December 31 following the date on which the list is submitted.

(3) The lists referred to in subsection (1) shall be accompanied by a statutory declaration of the chairman and secretary of the board stating

(a) the sources of information used in the preparation of the list, and

(b) that to the best of their knowledge and belief, the list is accurate according to that information.

(4) On receiving the list referred to in subsection (1), the municipality shall mail to each individual named on the list at his address shown on it a notice stating

(a) that the board of a separate school district claims that

(i) he is a resident of that district, and

(ii) his property that is located in that district is assessable for the purposes of the separate school district by virtue of his being Protestant or Roman Catholic whichever is the faith of those who established the separate school district,

and

(b) that he will be recorded as a resident of the separate school district unless within 3 weeks from the date of the mailing of the notice he gives written notice to the municipality stating that he is not a member of the religious faith, whether Protestant or Roman Catholic, of those who established the separate school district.

(5) When a written notice is given under subsection (4)(b), the municipality shall remove the name of the person concerned from the list.

(6) After the expiration of 3 weeks from the date of the mailing of the last of the notices by the municipality under subsection (4), the municipality shall with respect to all persons whose names remain on the list referred to in subsection (1) record their properties as being assessable and taxable for separate school purposes.

(7) The municipality shall furnish to the board of the separate school district and to the board of the appropriate public school district or division a copy of the list following the removal of names, if any, pursuant to subsection (5).

(8) Any person may at any time give written notice to a municipality stating that he is not of the same religious faith as those who established the separate school district, and thereupon the municipality shall adjust its records to indicate that person's property as being assessable and taxable for the public school district of which that person is a resident.

(9) When a person gives notice under subsection (8), the change in the assessment roll shall not be effective for taxation purposes until the year following the year in which the notice is given.

Assessment
notice re
corporation

134(1) When a separate school district exists, a corporation that has shareholders or members of the same religious faith as those who established the separate school district may, by giving notice to the proper officer of the municipality, require a percentage of the property in respect of which it is assessable to be entered and assessed for separate school purposes.

(2) When the corporation has shareholders, that notice shall designate the percentage of the property of the corporation in the district assessable for separate school purposes that bears the same ratio to the total assessed value of the property of the corporation in the separate school district as the value of shares of the separate school supporters bears to the total value of all shares of the corporation.

(3) If the corporation does not have shareholders or is a co-operative association the notice shall designate the percentage of the property of the corporation in the district assessable for separate school purposes that bears the same ratio to the total assessed value of the property of the corporation in the separate school district as the number of members who are separate school supporters bears to the total number of members of the corporation.

(4) The notice given by a corporation shall state that the percentage of the property of the corporation designated in the notice has been approved by a resolution of the corporation or the board of directors of the corporation.

Corporate
shareholder

135(1) In this section,

(a) “allotment of assessment” means that portion of the assessment of the property of a property holding corporation that bears the same ratio to the total assessment of that property as the value of the shares held by the shareholder corporation bears to the total value of all the shares of the property holding corporation;

(b) “property holding corporation” means a corporation that has property that

(i) is situated within a separate school district, and

(ii) is assessable for school purposes;

(c) “share” means a share issued by a property holding corporation;

(d) “shareholder corporation” means a corporation that is a shareholder of a property holding corporation.

(2) When a property holding corporation has at least 1 shareholder who is a natural person, a shareholder corporation of that property holding corporation may, by giving written notice to that property holding corporation, designate all or any portion of its allotment of assessment for separate school purposes and thereupon the property holding corporation shall, with respect to that portion of the allotment of assessment so designated for separate school purposes, treat the shareholder corporation as a separate school supporter for the purposes of section 134(2).

(3) When all the shareholders of a property holding corporation are corporations, a shareholder corporation of that property holding corporation may, by giving written notice to that property holding corporation, designate all or any portion of its allotment of assessment for separate school purposes and if such a notice is given

(a) the property holding corporation may give a notice under section 134(1) as though that shareholder corporation were a natural person, and

(b) the property holding corporation, if it gives a notice under section 134(1), shall, with respect to that portion of the allotment of assessment so designated for separate school purposes, treat the shareholder corporation as a separate school supporter for the purposes of section 134(2).

Corporate
member

136(1) In this section,

(a) “member corporation” means a corporation that is a member of a property holding corporation that

(i) does not have shareholders, or

(ii) is a co-operative association;

(b) “property holding corporation” means a corporation that has property that

(i) is situated within a separate school district, and

(ii) is assessable for school purposes.

(2) When a property holding corporation has at least 1 member who is a natural person, a member corporation of that property holding corporation may, by giving written notice to that property holding corporation, declare itself to be a separate school supporter and thereupon the property holding corporation shall treat the member corporation as a separate school supporter for the purposes of section 134(3).

(3) When all the members of a property holding corporation are corporations, a member corporation of that property holding corporation may, by giving written notice to that property holding corporation, declare itself to be a separate school supporter and if such a notice is given

(a) the property holding corporation may give a notice under section 134(1) as though that member corporation were a natural person, and

(b) the property holding corporation, if it gives a notice under section 134(1), shall treat the member corporation as a separate school supporter for the purposes of section 134(3).

Evidence

137 When

(a) a notice is given under section 134, 135, 136 or 141, or

(b) a statement is given under section 140(4),

that notice or statement, as the case may be, is prima facie proof

(c) of the contents of that notice or statement, and

(d) that the corporation that gave the notice or statement was properly empowered to give the notice or statement.

Effect of notice

138(1) A notice under section 134 shall be given to the proper officer of the municipality in which the property is situated and to the secretaries of the boards of the public and separate school districts or to the secretary of the board of the division if the public school district is within a division.

(2) The notice shall be given on or before November 15 and becomes effective on the following December 31.

(3) The proper officer shall retain on file in his office each notice given to him by a corporation.

(4) The notice continues in force and shall be acted on until it is withdrawn, varied or cancelled by a subsequent notice given pursuant to a resolution of the corporation.

Assessment of corporation

139 The proper officer of each municipality in each year shall, before the completion of the assessment and tax roll, examine each notice on file in his office and shall show in the assessment and tax roll the property of the corporation or the part of it that is designated by the notice as assessed for separate school purposes.

Notice to corporation

140(1) If a corporation has not given a notice under section 138 or a statement under subsection (4), the board of a separate school district, by giving notice, may require part of the property in respect of which the corporation is assessable to be entered and assessed for separate school purposes.

(2) The notice shall be given to the corporation, to the proper officer of the municipality and to the secretary of the public school district or to the secretary of the division if the public school district is in a division.

(3) The notice shall be given on or before December 1 and becomes effective on the following December 31 and remains in effect until the corporation gives a notice in accordance with sections 134 and 138, or a statement under subsection (4).

(4) If, before December 31 of any year, a corporation gives to each person mentioned in section 138(1) a statement stating that none of the shareholders of the corporation are of the same religious faith as those who established the separate school district, the notice of the board of the separate school district under subsection (1) is not effective with respect to any subsequent year.

Corporate shareholder

141(1) In this section,

(a) “property holding corporation” means a corporation that receives a notice from the board of a separate school district under section 140, and

(b) “shareholder corporation” means a corporation that is a shareholder of a property holding corporation.

(2) A shareholder corporation may, by giving written notice to the property holding corporation of which it is a shareholder, declare

itself not to be of the same religious faith as those who established the separate school district and thereupon the property holding corporation shall treat the shareholder corporation as not being of the same religious faith as those who established the separate school district for the purposes of section 140(4).

Property owned
by corporations

142 When

- (a) a separate school district is situated wholly or partly within a municipality, and
- (b) there is property situated in that district in respect of which the board of the separate school district has given notice to a corporation under section 140,

the proper officer for the municipality shall designate a portion of the assessment of that property to be allocated for separate school purposes that shall bear the same ratio to the total assessment of that property as the number of resident students of the board of the separate school district bears to the total number of

- (c) resident students of the board of the separate school district, and
- (d) resident students of the board of the public school district.

Property owned
by municipality

143 When

- (a) a separate school district is situated wholly or partly within a municipality, and
- (b) there is property situated in that district that is
 - (i) owned or leased by the municipality, and
 - (ii) liable to assessment and taxation under the *Municipal and Provincial Properties Valuation Act*,

the proper officer for the municipality shall designate a portion of the assessment of that property to be allocated for separate school purposes that shall bear the same ratio to the total assessment of that property under the *Municipal and Provincial Properties Valuation Act* as the number of resident students of the board of the separate school district bears to the total number of

- (c) resident students of the board of the separate school district, and
- (d) resident students of the board of the public school district.

Property owned
by Province

144 When

- (a) a separate school district is situated wholly or partly within a municipality,
- (b) there is property situated in that district that is
 - (i) owned by the Government of Alberta or an agency of the Government of Alberta, and
 - (ii) given a valuation under the *Municipal and Provincial Properties Valuation Act*,

and

(c) in respect of that property, grants may be paid to that municipality under the *Crown Property Municipal Grants Act*, the *Alberta Mortgage and Housing Corporation Act*, the *Liquor Control Act*, the *Alberta Government Telephones Act*, or the *Treasury Branches Act*,

the proper officer for the municipality shall designate a portion of the valuation of that property to be allocated for separate school purposes that shall bear the same ratio to the total valuation of that property under the *Municipal and Provincial Properties Valuation Act* as the number of resident students of the board of the separate school district bears to the total number of

(d) resident students of the board of the separate school district, and

(e) resident students of the board of the public school district.

Property owned
by Canada

145(1) When

(a) a separate school district is situated wholly or partly within a municipality,

(b) there is federal property that is situated in that district, and

(c) in respect of that property, grants may be paid to the municipality under the *Municipal Grants Act, 1980* (Canada),

the proper officer for the municipality shall designate a portion of the assessed value of that property to be allocated for separate school purposes that shall bear the same ratio to the total assessed value of that property as the number of resident students of the board of the separate school district bears to the total number of

(d) resident students of the board of the separate school district, and

(e) resident students of the board of the public school district.

(2) For the purposes of subsection (1), “federal property” and “assessed value” have the meanings given to them in the *Municipal Grants Act, 1980* (Canada).

Requirement to
give notice

146 For the purposes of sections 142 to 145, a board shall, not later than December 31 of each year, give to the proper officer of the municipality a notice stating the total number of students residing in the district who are resident students of that board.

Equalized
assessment

147(1) The Alberta Assessment Equalization Board shall in each year apportion among the districts, whether public or separate, and the divisions lying in whole or in part within a municipality the equalized assessment established in respect of the municipality for that year and thereafter the Alberta Assessment Equalization Board shall advise the municipality of the apportionment.

(2) On being advised by the Alberta Assessment Equalization Board of an apportionment under subsection (1), the proper officer of a municipality within which a district or division is situated in whole

or in part shall provide a certificate to the secretary of the board showing the portion of the equalized assessment of the municipality as determined pursuant to subsection (1) that is applicable to that part of the municipality that is within the district or division.

(3) For the purposes of this section, when a separate school district lies in whole or in part within a municipality,

(a) the assessments of property of individuals that is assessable for the support of separate schools shall pertain to the separate school district,

(b) the assessment of property of a corporation referred to in section 134 shall be apportioned between the separate school district and the public school district in the same manner as prescribed under section 134,

(c) the assessment of property of a corporation referred to in section 142 shall be apportioned between the separate school district and the public school district in the same manner as prescribed under section 142,

(d) the assessment of property of a municipality referred to in section 143 that is liable to assessment and taxation under the *Municipal and Provincial Properties Valuation Act* shall be apportioned between the separate school district and the public school district in the same manner as prescribed under section 143,

(e) the valuations of properties referred to in section 144 lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as prescribed under section 144, and

(f) the assessed values of properties referred to in section 145 lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as prescribed under section 145,

and if the public school district has been included in a division the assessments and valuations pertaining to the district shall pertain to the division.

False statement
re assessment

148(1) A false statement made in any notice respecting the assessment of property of a corporation that is given by a corporation does not relieve the corporation from taxes.

(2) A corporation that fraudulently gives notice or makes a false statement in a notice is guilty of an offence and liable to a fine not exceeding \$10 000.

(3) Any person

(a) who gives, on behalf of a corporation, a notice, and

(b) who fraudulently or wilfully inserts in that notice a false statement,

is guilty of an offence and liable to a fine not exceeding \$10 000.

Calculation of requisition

Division 3

Requisitions

149(1) Subject to the regulations, a board, in computing its total basic requisition on each municipality included in whole or in part within the district or division, shall, in order to obtain the estimated total sum required to be raised by requisitions, deduct from its estimated total expenditures its estimated total revenues derived from all sources, other than requisitions.

(2) A board of a division shall

(a) list any additional requisitions resulting from board resolutions made under section 151(2), and

(b) deduct the sum of the additional requisitions from the estimated total sum required to be raised by requisitions as determined under subsection (1).

(3) The board shall advise the municipal secretary or the Minister of Municipal Affairs, as the case may be, of

(a) the total amount that is to be raised by way of supplementary requisitions, and

(b) the total assessment of the district or division as shown on the various certificates received under section 147.

(4) On receipt of advice from the municipal secretary or the Minister of Municipal Affairs of any additional revenue as may be supplied by the municipality, the secretary shall adjust the amount of the total basic requisition for each municipality in proportion to the values as shown on the various certificates received under section 147.

(5) The board of a division shall add each additional requisition listed pursuant to subsection (2) to the basic requisition of the appropriate municipality.

(6) The resulting sums shall be the total requisition of the board of the district or division on the respective municipalities.

(7) The Minister may make regulations

(a) limiting the amount of money a board may requisition from a municipality;

(b) setting the limit referred to in clause (a) in an amount or as a percentage;

(c) providing 1 or more methods, whether by a vote of the electors or otherwise, by which a board may exceed the limits set under clause (a).

(8) The Minister may use any criteria the Minister considers appropriate in establishing limits under subsection (7).

Submission of requisition

150(1) A board shall, prior to April 30 of each year, submit to each municipality in the form prescribed by the Minister its requisition for that portion of its estimate that is required to be raised by the municipality.

	<p>(2) If a municipality requests it, the board shall supply a copy of its estimates to the municipality to which it submits a requisition.</p>
Hamlet	<p>151(1) For the purpose of determining an additional requisition only, the Minister may by order declare any area to be a hamlet.</p> <p>(2) If a board of a division determines that the educational requirements exclusive of capital requirements of a hamlet justify an additional requisition, the board, by resolution and subject to the prior approval of the Minister, may</p> <ul style="list-style-type: none"> (a) determine the amount of the additional requisition to be made, and (b) designate the hamlet within which the levy will be made, <p>to produce that amount.</p> <p>(3) When a board passes a resolution under subsection (2), that resolution does not have any effect unless it was passed prior to the time that the board submits its annual requisition under section 150 to the municipality within which the hamlet lies or partly lies.</p> <p>(4) When an additional requisition has been approved by the Minister under this section it shall continue in effect from year to year until changed in accordance with this section.</p> <p>(5) An additional requisition established by this section may be</p> <ul style="list-style-type: none"> (a) reduced by resolution of the board, or (b) with the prior approval of the Minister, increased by resolution of the board.
Statement to boards by municipality	<p>152 The proper officer of each municipality, when providing the certificate required by section 147, shall also send to each board a statement showing</p> <ul style="list-style-type: none"> (a) the total assessment of all property assessed to individuals for public school purposes and for separate school purposes, respectively, (b) the total assessment of all property assessed to corporations under section 134 for public school purposes and for separate school purposes, respectively, (c) the total assessment of all property assessed to corporations under section 142 for public school purposes and for separate school purposes, respectively, (d) the total assessment of all property assessed under section 143 for public school purposes and for separate school purposes, respectively, (e) the total valuation of all property as determined under section 144 for public school purposes and for separate school purposes, respectively, (f) the total assessed value of all property as determined under section 145 for public school purposes and for separate school purposes, respectively, and

	(g) the totals of the assessments, valuations and assessed values under clauses (a) to (f) for public school purposes and for separate school purposes, respectively.
Copy of assessment roll	<p>153(1) Each municipality to which a board submits a requisition shall, at the request of and at the expense of the board, supply to the board a copy of the whole or any part of the assessment roll of the municipality.</p> <p>(2) A board that receives a copy of the whole or any part of the assessment roll</p> <p>(a) shall treat the information as strictly confidential, and</p> <p>(b) shall not make it public to any person.</p>
Payment of requisition	154 Each municipality shall, in accordance with section 148 of the <i>Municipal Taxation Act</i> , pay to a board the sums requisitioned.
Interest	155 If a municipality is in default of payment of a requisition or payment into the School Foundation Program Fund, the amount unpaid shall bear interest at a rate determined by the Lieutenant Governor in Council.

Division 4

School Foundation Program Fund

Fund continues	156 The School Foundation Program Fund heretofore established is continued.
Payment into the Fund	<p>157(1) The Lieutenant Governor in Council shall in each year establish a rate or rates expressed in mills.</p> <p>(2) Each municipality shall pay annually into the School Foundation Program Fund a sum equal to the amount that results from applying the mill rate established pursuant to subsection (1) to the equalized assessment of the municipality as established for the year by the Alberta Assessment Equalization Board under section 21(7) of the <i>Municipalities Assessment and Equalization Act</i>.</p> <p>(3) The Minister, or person designated in writing by the Minister, shall advise each municipality as soon as possible in each year of the amount that the municipality is required to pay into the School Foundation Program Fund.</p> <p>(4) Each municipality shall pay $\frac{1}{2}$ of the sum required in each year on or before the first day of each of the months of August and November.</p> <p>(5) Notwithstanding anything in this Division, the Minister may by order provide that the sum required pursuant to subsection (2) to be paid into the Fund by a municipality</p> <p>(a) be paid, in whole or in part, directly to 1 or more boards of districts or divisions situated in whole or in part within the municipality, or</p>

	<p>(b) in the case of a county, be retained by the county to be applied towards the budget of the board of education of the county, and any sum paid under clause (a) or retained under clause (b) shall be deemed to be a payment into the School Foundation Program Fund.</p> <p>(6) Notwithstanding anything in this Division, the Minister may by order suspend or defer in whole or in part the payment of any sum required to be paid under subsection (2) for the period of time and on the terms and conditions as the Minister prescribes.</p> <p>(7) Notwithstanding anything in this section, property assessed for separate school purposes shall not be included in the equalized assessment referred to in subsection (2) unless the board of the separate school district, pursuant to a resolution of the board, certifies to the Minister under the seal of the district that this section is to apply to that separate school district.</p>
Default	<p>158 Where a municipality defaults in making a payment required under this Division, the Minister may require the Provincial Treasurer to pay into the School Foundation Program Fund to the credit of the municipality any grants payable to that municipality for that year or any succeeding year until the amount owing by the municipality has been received.</p>
Payment from the Fund	<p>159(1) The Minister may make grants from the School Foundation Program Fund if he is authorized to do so by regulations made under this section.</p> <p>(2) The Lieutenant Governor in Council may make regulations</p> <ul style="list-style-type: none"> (a) authorizing the Minister to make grants; (b) prescribing the purposes for which grants may be made; (c) governing applications for grants; (d) prescribing the boards eligible for grants; (e) specifying the conditions required to be met by any board for a grant to render that board eligible for the grant; (f) prescribing the conditions on which a grant is made and requiring the repayment of the grant to the School Foundation Program Fund if the conditions are not met; (g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid; (h) limiting the amount of any grant or class of grant that may be made; (i) authorizing the Minister <ul style="list-style-type: none"> (i) to deduct from grants payable to a board any amounts owing by the board in the nature of <ul style="list-style-type: none"> (A) fees payable to an association,

(B) payments under debentures, or

(C) other indebtedness,

and

(ii) to pay the amount deducted on behalf of the board in the manner as the Minister directs;

(j) authorizing the Minister to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;

(k) requiring any board receiving a grant to account for the way in which the grant is spent in whole or in part;

(l) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

(4) Notwithstanding anything in this section,

(a) this section does not apply to, and

(b) no payment shall be made out of the Fund to,

a board of a separate school district unless the board of the separate school district passes a resolution referred to in section 157(7) stating that section 157 applies to that separate school district.

Collecting boards **160** For the purpose of this Division, a board that levies its own taxes pursuant to Division 5 of this Part is deemed to be a municipality.

Effect of cessation of services **161** Notwithstanding anything in this Division or the regulations, in the event of a cessation of services by teachers or other employees of a board by reason of a strike or lockout, the Minister shall

(a) pursuant to the regulations made under this Division, calculate the amount payable to the board for the period during which the cessation of services continued, and

(b) reduce the amount payable to the board by any sum up to and including the amount calculated pursuant to clause (a).

Division 5

Levying and Collecting Taxes by a Board

Definition **162** In this Division, “board” means a board that is authorized under section 163 to levy and collect taxes.

Authorization to levy and collect taxes **163(1)** Notwithstanding anything in this Part, the Minister may, by order, authorize a board to levy and collect taxes with respect to its whole area.

(2) An order made under subsection (1) shall be published in The Alberta Gazette.

Board's power	<p>164(1) A board</p> <p>(a) has, for the purpose of imposing, collecting, compromising and refunding taxes, all the powers with respect to the imposition and collection of taxes that are vested in a municipality by the <i>Municipal Taxation Act</i> and the <i>Tax Recovery Act</i>, and</p> <p>(b) has and may exercise all the powers and duties of a municipality under this Act and the <i>Municipal Government Act</i>, but only to the extent that the power is not being exercised in the district by the municipality.</p> <p>(2) A board that exercises any of the powers given by subsection (1)(b) shall</p> <p>(a) prepare a separate budget in respect of those powers exercised,</p> <p>(b) account separately for money received and expended for those purposes, and</p> <p>(c) indicate in its tax notices the portion of its taxation, in mills, that is levied in respect of those powers exercised.</p>
Exemption	<p>165 Division 3 as it relates to the making of requisitions on municipalities does not apply to a board to which this Division applies.</p>

Division 6

Borrowing

Borrowing other than by debenture	<p>166(1) A board may borrow to meet current expenditures if the borrowings are required to be repaid by August 31 of the fiscal year in which they are borrowed.</p> <p>(2) A board, with the prior approval of the Minister, may borrow to meet capital expenditures other than by way of debenture.</p> <p>(3) The amount of any borrowing by a board under this section may be secured</p> <p>(a) by a charge</p> <p>(i) on taxes levied or to be levied by the board,</p> <p>(ii) on requisitions made or to be made by the board, or</p> <p>(iii) on other money due or accruing due to the board,</p> <p>(b) by a promissory note, or</p> <p>(c) in any other manner.</p> <p>(4) A charge secured by a board pursuant to subsection (3) is not effective against the Government, municipality or any other person that is not a party to the charge.</p> <p>(5) The lender of any money under this Act is not required to establish the necessity of the purpose for which the money is borrowed.</p> <p>(6) Part 2 of the <i>Local Authorities Board Act</i> does not apply to borrowings under this section.</p>
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Debenture
borrowing

167(1) A board may borrow by debenture on the security of the board for the purpose of

- (a) securing, purchasing, adding to, extending or improving a site for a building,
- (b) providing services to school buildings, or
- (c) engaging in a school building project.

(2) If the board decides to borrow by debenture for any of the purposes mentioned in subsection (1), it shall pass, in a form approved by the Local Authorities Board, a by-law stating its intention.

(3) Within 30 days from the date of the passing of the by-law, the board shall give public notice of its intention to apply to the Local Authorities Board for authority to borrow the amount specified in the by-law on the conditions set forth in it.

Petition for poll

168(1) If a board

- (a) has received a petition meeting the requirements of section 230 within 15 days from the date of the last publication in a newspaper of the public notice of the proposed debenture borrowing, and
- (b) decides to proceed with the by-law,

the board shall submit the question to a vote of the electors.

(2) The board shall

- (a) send to the Minister a copy of each request contained in the petition, and
- (b) advise the Minister in writing within 14 days from the date of the vote of the outcome of each vote conducted under subsection (1).

(3) If the result of the vote is to defeat the proposal for debenture borrowing, the board is bound by the vote for a period of 12 months from the date of the vote and during that 12-month period the board shall not propose debenture borrowing for the same or a similar project.

Debenture
by-laws

169 In the case of a by-law passed before or after the coming into force of this Act, a board by by-law and without the assent of the electors, but subject to the regulations and the approval of the Local Authorities Board, may

- (a) authorize change in the form and content of the debentures;
- (b) amend the by-law;
- (c) issue and sell new debentures for the purpose of purchasing or redeeming before maturity any or all outstanding debentures issued by it.

Authority for borrowing

170(1) The Local Authorities Board may, on

- (a) receipt of the documents and information it requires, and
- (b) being satisfied that the conditions required by this Act and the regulations have been complied with,

authorize the board to borrow the sum or sums of money mentioned in the by-law, or any lesser sum.

(2) The Local Authorities Board shall, as soon as possible after giving an authorization under subsection (1), cause notice of the authorization of the loan to be published in The Alberta Gazette.

Defeated by-law

171 Notwithstanding that a by-law has not received a majority vote of the electors voting on it, the Local Authorities Board

(a) may, on receipt of the certificate of the Minister certifying that the building, site, servicing or school building project mentioned in the defeated by-law is urgently required, authorize the board to borrow by debenture the sum or sums of money mentioned in the by-law or any lesser sum, and

(b) shall, as soon as practicable after giving the authorization under clause (a), cause notice of the authorization to be published in The Alberta Gazette.

Issuing of debentures

172(1) On receiving authorization of the Local Authorities Board, a board shall, in the form and by the process authorized by the regulations issue a debenture to secure the amount of the principal and interest on the loan so authorized or of any lesser sum on the terms specified in the by-law.

(2) A debenture shall not be issued after the expiration of 3 years from the date on which the notice of authorization of the loan appears in The Alberta Gazette.

(3) A debenture shall

(a) be sealed with the seal of the board, and

(b) be signed

(i) either by the chairman or by some person authorized to sign it in his stead, and

(ii) by the treasurer of the board.

Countersigning of debentures

173(1) When a debenture is issued or authorized to be issued under the authority of the authorization referred to in section 172, the Local Authorities Board, on the application of a board, may countersign the debenture that is issued or that may be issued.

(2) Notwithstanding anything to the contrary in this Act, the countersigning by the Local Authorities Board is conclusive proof of the validity of the debenture and its validity is not open to question in any court.

(3) The countersigned debentures are valid and binding on the board.

Void borrowing	<p>174(1) If, before borrowing has been authorized by the Local Authorities Board, a board purports to enter into any agreement the consideration for which is to be raised by debenture,</p> <ul style="list-style-type: none"> (a) the agreement is void, and (b) any money paid under the agreement shall be repaid to the board. <p>(2) Any agreement made by the board for the sale, transfer or hypothecation of a debenture or any interest in the debenture before the board has been authorized under this Division to borrow the money represented by the debenture is void.</p>
Loan on debentures limited	<p>175(1) The board may, by resolution, raise money by way of a loan on any debentures,</p> <ul style="list-style-type: none"> (a) pending the sale of the debenture authorized by a by-law, or (b) in lieu of selling and disposing of the debentures referred to in clause (a). <p>(2) A loan referred to in subsection (1) shall not exceed 80% of the par value of the debentures.</p> <p>(3) The board may hypothecate the debentures for the purposes of the loan referred to in subsection (1).</p> <p>(4) The proceeds of every loan obtained under this section shall be applied to the purposes for which the debentures were issued and if the debenture is subsequently sold the proceeds shall first be applied in repayment of the loan.</p>
Validity of debentures	<p>176 Any debenture issued under this Act is valid and binding on a board notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the board in respect of it if</p> <ul style="list-style-type: none"> (a) the by-law has received the assent of the required number of electors voting on it, where their assent is required, (b) no successful application has been made to quash it within 2 months from the date of its final passing, and (c) the by-law has received the approval of the Local Authorities Board.
Use of unexpended debenture proceeds	<p>177(1) If</p> <ul style="list-style-type: none"> (a) debentures have been issued for a capital expenditure, and (b) on completion of the work or in consequence of its partial abandonment there remains a balance of funds remaining, <p>a board shall, by resolution reciting the facts, apply to the Minister for authority to use that balance for any purpose not authorized by the by-law under which the debentures were issued.</p> <p>(2) Where the board makes an application under subsection (1), the Minister may, on the terms and conditions that the Minister consid-</p>

	<p>ers proper, grant permission to a board to use the balance of funds remaining for the purpose set out in the application.</p>
Improper application of money borrowed	<p>178(1) If a board uses money that was borrowed for a capital expenditure for a purpose not authorized under section 129 or 177, the persons, whether or not they are still trustees, who were trustees of the board at the time that they approved the improper application of the capital money are jointly and severally liable for the payment to the board of the amount of money applied to the unauthorized use.</p> <p>(2) A person is not liable under subsection (1)</p> <p>(a) if, being a trustee when the improper application of capital money was approved and being present at the meeting of the trustees or a committee of the trustees at the time it was approved, he</p> <p>(i) voted against the improper application of capital money at that meeting,</p> <p>(ii) requested his name and vote to be recorded, and</p> <p>(iii) notified the Minister in writing of his objection to the improper application of the capital money within 8 days from the date of that meeting,</p> <p>or</p> <p>(b) if, being a trustee when the improper application of capital money was approved but not being present at the meeting of the trustees or of a committee of the trustees at the time it was approved, he</p> <p>(i) filed with the secretary of the board a written objection to the improper application of the capital money, and</p> <p>(ii) notified the Minister in writing of his objection,</p> <p>within 30 days from the date on which he first had notice that the improper application of capital money was so approved.</p>
Liability of trustees	<p>179 Where a trustee is liable to a board for funds under this Part, the amount for which the trustee is liable may be recovered by the board by legal action as a debt due from the trustee.</p>
Enforcement of liability of trustees	<p>180(1) On the application to the Court of Queen's Bench by means of an originating notice by any elector of the district or division, the Court may, if it is satisfied that</p> <p>(a) the elector has reasonable grounds for believing that the board has a cause of action under section 129, 177 or 178, and</p> <p>(b) either</p> <p>(i) the board has refused or failed to commence an action to recover the funds within 60 days from the date of receipt of a written request from the elector to do so, or</p>

(ii) the board has failed to prosecute diligently an action commenced by it to recover the funds,

make an order, on any terms as to security for costs and otherwise that the Court considers proper, requiring the Attorney General to commence or continue an action in the name and on behalf of the board to recover the funds.

(2) The board and the Attorney General shall

- (a) be given notice of any application under subsection (1), and
- (b) have the right to appear and be heard in respect of the application.

(3) Every order made under subsection (1) shall require that the board

- (a) co-operate fully with the Attorney General in the institution and prosecution of the action, and
- (b) make available to the Attorney General all books, records, documents and other material or information known to the board or reasonably ascertainable by the board that is relevant to the action.

(4) An appeal lies to the Court of Appeal from an order made under subsection (1).

Regulations

181 The Minister may make regulations

- (a) governing the form and content of debentures issued by boards;
- (b) governing the changes in the form and content of debentures issued by boards;
- (c) governing the content of by-laws of boards that make changes or alterations to debentures issued by boards;
- (d) governing, with respect to debentures issued by boards, an alteration in
 - (i) the interest rate,
 - (ii) the period of indebtedness, or
 - (iii) the term,

for the purpose of improving the marketability of the debentures;

- (e) governing the process under which debentures are issued;
- (f) exempting an expenditure from the application of section 174;
- (g) governing the method of affixing signatures to debentures or coupons.

PART 7
PROPERTY
Division 1
General

Acquisition
of property

182(1) A board shall provide and maintain adequate real and personal property for its administrative and educational purposes.

(2) A board may

(a) acquire by gift, lease or purchase and hold any real or personal property or any interest in it;

(b) acquire land for buildings, whether the land is in or outside the district or division, and acquire additional land to add to land owned by it;

(c) acquire land or any rights in, on, over or under it and if necessary extending beyond the boundaries of building sites for sewage, water, gas, electric power or other services;

(d) enter into agreements for the acquisition of an option to lease or purchase any real or personal property;

(e) acquire, build, furnish or rent buildings or portions of buildings for itself and its employees.

(3) A board shall notify the Minister within 30 days from the date that the board purchases or enters into an agreement to purchase any land or any interest in land pursuant to subsection (2)(a), (b) or (d) of that purchase or agreement.

Joint use
of buildings

183 Subject to the prior approval of the Minister, a board may enter into an agreement

(a) with 1 or more other boards for the joint construction, ownership, control, management, maintenance, operation or use of a school building or a building to be used primarily by students of 1 or more districts or divisions, or

(b) with 1 or more other boards, persons or municipalities for the joint construction, ownership, control, management, maintenance, operation or use of a public work or building.

Construction of
buildings other
than school
buildings

184(1) When a board proposes to construct a building or purchase a building, other than a school building, the board shall give public notice of its intention to construct or purchase the building if the estimated cost of construction or the purchase price, as the case may be, exceeds

(a) \$500 000, or

(b) 1.5% of the total assessed value of the property in the district or division,

whichever is the lesser.

(2) For purposes of this section, if a building is to be constructed the estimated cost of the construction of the building shall be the cost

estimated by the architect employed or consulted by the board and the estimate shall be incorporated in a minute of the board.

(3) If a board

(a) received a petition meeting the requirements of section 230 within 15 days from the date of the last publication of the public notice in a newspaper, and

(b) decides to proceed with the construction or purchase of a building other than a school building,

the board shall submit the question to a vote of the electors.

(4) The board shall

(a) send to the Minister a copy of each request contained in the petition received under subsection (3) within 5 days from the date of receiving it, and

(b) advise the Minister promptly of the outcome of each vote conducted under subsection (3).

(5) If the result of the vote under subsection (3) is to defeat the proposal to construct or purchase a building, the board is bound by the vote for a period of 12 months from the date of the vote and during that 12-month period the board shall not propose to construct or purchase the same or a similar building.

Expropriation

185(1) If a board is unable to acquire land or any interest in land necessary for it to carry out its functions, the board may apply to the Minister in accordance with subsection (2) for authority to expropriate the land or the interest in land under the *Expropriation Act*.

(2) The application to the Minister by a board shall set out the facts and reasons for the request for authority to expropriate.

(3) The Minister may make any investigation he considers necessary into the application and, if he is satisfied that the expropriation is necessary, he shall issue an order authorizing the board to expropriate the land or the interest in land specified in the order.

(4) Until the Minister issues an order authorizing a board to expropriate, a board has no power to expropriate.

Disposition
of property

186(1) Subject to the regulations, a board may sell, lease, rent or otherwise dispose of any of its personal property or any interest in it.

(2) Subject to this section, the regulations, the *Planning Act* and the *Public Lands Act*, a board may, with the prior written approval of the Minister, sell, lease, rent or otherwise dispose of any of its real property.

(3) Where in the opinion of the Minister a board no longer has a use for a school building, the Minister may in writing direct the board to dispose of that property subject to those terms or conditions that the Minister prescribes.

(4) The Registrar of Land Titles shall not accept an instrument that has the effect of transferring from a board any real property of the board unless the instrument is accompanied by

- (a) the approval, or a certified copy of it, given under subsection (2), or
- (b) the direction, or a certified copy of it, given under subsection (3).

Regulations

187 The Minister may make regulations

- (a) respecting the disposal of property;
- (b) requiring that property or a class of property be disposed of pursuant to tenders;
- (c) governing the form and content of tenders referred to in clause (b);
- (d) exempting a class or type of real property from the operation of section 186(2);
- (e) respecting the manner in which and the persons to whom a board must give notice of its intention to and the conditions under which it may
 - (i) dispose of land, or
 - (ii) dispose or discontinue the use or accommodation of a building or part of a building.

Division 2

School Buildings Board

Establishment
of Board

188 The Lieutenant Governor in Council may appoint a board consisting of 5 members, which shall be known as the School Buildings Board.

Approval

189(1) No financial aid shall be given under the School Foundation Program Fund to a school jurisdiction for a school building project without the prior approval of the School Buildings Board.

(2) Where a school jurisdiction

- (a) wishes to engage in a school building project that involves the construction of or the addition to a school building, and
- (b) intends to use capital funds available under the School Foundation Program Fund for the purpose of paying in whole or in part the cost of that construction,

the board shall, before construction begins on the school building or addition, have the plans respecting the area and capacity of the building or addition approved by the School Buildings Board.

(3) No structural alteration that has the effect of reducing the number of classrooms approved in the original design of the school may be made to a school building unless the plans for it have received the prior approval of the School Buildings Board.

Requirements re construction	<p>190 No school jurisdiction shall engage in a school building project except in accordance with the regulations when that school building project is subject to an approval of the School Buildings Board.</p>
Approval of project	<p>191(1) When a school jurisdiction intends to carry out a school building project the cost</p> <ul style="list-style-type: none"> (a) of which is to be paid for in whole or in part, or (b) in respect of which capital borrowings are to be retired in whole or in part, <p>from funds available under the School Foundation Program Fund, that school jurisdiction must obtain from the School Buildings Board the approvals required under the regulations.</p> <p>(2) A school jurisdiction shall give to the School Buildings Board any information concerning a school building project that the School Buildings Board requires in order for the School Buildings Board to determine</p> <ul style="list-style-type: none"> (a) the necessity for the proposed school building project having regard to existing and available facilities, and (b) the nature and suitability of the school building project.
Regulations	<p>192 The Minister may make regulations</p> <ul style="list-style-type: none"> (a) prescribing requirements that must be complied with prior to the School Buildings Board approving any school building project; (b) governing the manner, terms and conditions under which a school building project or any class of school building project shall be carried out; (c) governing the manner in which a school jurisdiction tenders and acquires approvals with respect to a school building project; (d) governing the terms under which a school jurisdiction may replace a school building; (e) prescribing, with respect to the sizes and purposes of school buildings, the limits in respect of which approvals may be granted.

PART 8
CREATION, DISSOLUTION AND ALTERATION OF
DISTRICTS, DIVISIONS AND BOARDS

Division 1

Establishment and Dissolution of Public
School Districts and Divisions

Establishment of district	<p>193(1) The Minister may establish any portion of Alberta as a public school district.</p> <p>(2) The order establishing a public school district shall describe the boundaries of the district and give it a name and number in the following form:</p> <p style="padding-left: 40px;">The _____ School District No. _____</p>
Establishment of division	<p>194(1) The Minister may establish a division consisting of any number of public school districts.</p> <p>(2) The order establishing a division shall</p> <p style="padding-left: 40px;">(a) give the division a name and number in the following form:</p> <p style="padding-left: 80px;">The _____ School Division No. _____</p> <p style="padding-left: 40px;">(b) divide the division into not less than 3 subdivisions,</p> <p style="padding-left: 40px;">(c) give each subdivision a number, and</p> <p style="padding-left: 40px;">(d) state which public school districts are comprised in which subdivision of the newly constituted division.</p>
Effect of establishment	<p>195 When a division is established,</p> <p style="padding-left: 40px;">(a) the boards of the public school districts included in the division are dissolved,</p> <p style="padding-left: 40px;">(b) all assets and liabilities of the boards of the public school districts are transferred to the board of the division, and</p> <p style="padding-left: 40px;">(c) all employees of the boards of the public school districts become the employees of the board of the division.</p>
Rearrangement	<p>196 The Minister may, in respect of a division,</p> <p style="padding-left: 40px;">(a) include in an established division 1 or more public school districts;</p> <p style="padding-left: 40px;">(b) transfer a public school district included in one division to another division;</p> <p style="padding-left: 40px;">(c) transfer a public school district from one subdivision to another;</p> <p style="padding-left: 40px;">(d) exclude from a division any public school district included in it;</p> <p style="padding-left: 40px;">(e) re-subdivide a division.</p>

Effect on town or village	197 Notwithstanding anything in this Act, the formation within any division of a town or village does not have the effect of removing from the division any public school district wholly or partially within the corporate limits of that town or village.
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Dissolution	198 The Minister may by order declare that any public school district or division be dissolved and thereupon <ul style="list-style-type: none"> (a) the board is dissolved and ceases to have any of the rights, powers and privileges vested in it by this or any other Act, and (b) the district or division ceases to exist.
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Division 2
Establishment and Dissolution of
Separate School Districts

Definitions	199 In this Division, <ul style="list-style-type: none"> (a) “elector” means a person who, <ul style="list-style-type: none"> (i) in the case where a separate school district is not yet established, <ul style="list-style-type: none"> (A) is an elector of the public school district, and (B) is either of the Protestant or Roman Catholic faith, and (ii) in the case where a separate school district is established, is an elector of that separate school district; (b) “meeting” means a meeting called under section 202.
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Right to establish separate schools	200 The minority of electors in any public school district, whether they are of the Protestant or Roman Catholic faith, may establish a separate school district within that public school district in accordance with this Division.
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Petition for establishment	201(1) Where not less than 3 of the electors referred to in section 200 wish to establish a separate school district they shall prepare a petition in accordance with subsection (2). (2) The petition for the establishment of a separate school district shall <ul style="list-style-type: none"> (a) be signed by at least 3 electors, (b) be in the form prescribed by the Minister, and (c) be accompanied by a list of the electors of the proposed separate school district.
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Calling of meeting	202 When a petition meets the requirements of section 201(2), the petitioners, if they wish to proceed with the establishment of a separate school district, shall call a meeting of the electors for the purpose of taking a vote to determine whether the separate school district should be established.
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Notice of
meeting

203(1) The notice calling a meeting shall be in the form prescribed by the Minister.

(2) The notice referred to in subsection (1) shall be

(a) posted in 5 or more conspicuous places in the proposed separate school district for a period of at least 2 weeks prior to the date set out in the notice for the public meeting,

(b) published in a newspaper circulating within the proposed separate school district once a week for at least 2 successive weeks prior to the date set out in the notice for the public meeting, and

(c) served on the board of the public school district or division within the boundaries of which the proposed separate school district would be established at least 10 days prior to the date set out in the notice for the public meeting.

Conduct of
meeting

204(1) The quorum for a meeting shall be 50% of the electors who are of the same religious faith as those who wish to establish the separate school district.

(2) The electors present at the meeting shall elect 1 of their number as chairman of the meeting.

(3) The chairman shall appoint a secretary of the meeting who shall

(a) record the minutes of the meeting, and

(b) perform any other duties required of him.

(4) The chairman, on his election, shall sign a declaration in the form prescribed by the Minister stating that he is an elector of the public school district and if the proposed separate school district is established he will become an elector of that separate school district on its establishment.

(5) After the election of a chairman an elector wishing to take part in the meeting and the vote shall sign in the presence of the chairman and secretary of the meeting a declaration in the form prescribed by the Minister stating that the elector is an elector of the public school district and if the proposed separate school district is established he will become an elector of that separate school district on its establishment.

(6) A person who has not signed the declaration referred to in subsection (5) is not entitled to take part in the meeting or vote at it.

(7) Notwithstanding subsection (6), an authorized representative of the Minister is entitled to take part in the meeting but is not entitled to vote.

(8) The chairman shall not vote on any question at the meeting whether decided by show of hands or a poll, except in the case of a tie, when he shall give a casting vote.

(9) At the meeting, the chairman, after the signing of the declarations referred to in subsections (4) and (5), shall provide a period of time for questions and discussion with respect to the proposed establishment of the separate school district.

(10) Immediately after the period for questions and discussion, but not later than 90 minutes after the opening of the meeting, the chairman shall, if there is a quorum present, proceed to take a poll of the votes of the electors for and against the establishment of the separate school district.

(11) The poll referred to in subsection (10) shall be taken by secret ballot.

(12) The chairman shall preside over the taking of the poll and the secretary of the meeting shall act as the poll clerk.

(13) The poll shall remain open for 1 hour or such longer period of time as the chairman considers reasonable in the circumstances.

(14) At the end of the period of time referred to in subsection (13) the chairman shall

(a) declare the poll to be closed, and

(b) proceed to sum up the votes and to declare the result of the poll.

Notification
to Minister

205 The chairman of a meeting shall, within 10 days from the date of the meeting, send to the Minister the following:

(a) a copy of the notice calling the meeting;

(b) due proof, in the forms the Minister may require, of the posting of the notices calling the meeting;

(c) a copy, in the form prescribed by the Minister, of the minutes of the meeting;

(d) the declarations of the chairman and the electors;

(e) a certificate of the chairman stating

(i) the number of electors present at the meeting, and

(ii) the number of electors required for a quorum;

(f) the results of any poll taken at a meeting.

Establishment
of a district

206(1) Where the majority of the electors present at the meeting at which a quorum was present voted in favour of the establishment of a separate school district, the Minister shall by order establish the separate school district with the same boundaries as those of the public school district.

(2) The order establishing the separate school district shall give it a name and number in the following form:

The _____ Separate School District No. _____.

(3) An order made under subsection (1) shall become effective on the date specified in the order.

(4) When a separate school district is established during a school year, the board of the public school district within which the separate school district is established or the board of the division if the public school district is within a division shall, at the request of the board

of the separate school district, continue until the end of the school year to accept in its school and school buses the resident students of the separate school board.

(5) A board of a public school district or division that accepts the resident students of a separate school board pursuant to subsection (4) is entitled to receive from or on behalf of the board of the separate school district, in proportion to the number of months in the school year that the resident students of the board of the separate school district are in the schools operated by the board of the public school district, the requisitions, grants or other revenues that the board of the public school district or division would have received if the separate school district had not been established.

(6) Any dispute respecting the application of subsections (4) and (5) shall be referred to the Minister whose decision is final and binding on the parties to the dispute.

Restriction on
another petition

207 If the majority of electors who voted at the meeting at which a quorum was present have voted against the establishment of a separate school district, no petition for a separate school district may be presented again until at least

(a) 1 year from the date of the meeting if less than 60% of the persons voting voted against the establishment of a separate school district, or

(b) 2 years from the date of the meeting if 60% or more of the persons voting voted against the establishment of a separate school district.

Dissolution

208(1) A board of a separate school district

(a) may of its own volition, or

(b) shall, if 25% of the electors of the separate school district petition the board to dissolve the district,

conduct a plebiscite to determine whether the separate school district should be dissolved.

(2) The question that the plebiscite shall determine is

Do you favour the dissolution of The _____
Separate School District No. _____.

(3) If the majority of the electors who voted in the plebiscite have voted in favour of the dissolution of the separate school district, the board shall report that fact to the Minister.

(4) The Minister

(a) shall on the report of a board made pursuant to subsection (3), or

(b) may if there are not any electors of the separate school district,

dissolve both

(c) the board of the separate school district, and

(d) the separate school district,
and thereupon the former separate school district residents become residents of the public school district or division within which they reside.

Division 3

Boundaries and Alterations

Alteration of
name or number

209(1) The Minister may by order alter the name or number of a district or division or the number of a subdivision.

(2) Where a name or number is altered under subsection (1), the seal previously used by the board shall continue to be its seal until changed by the board.

(3) Any change in the name or number, or both, of any district or division does not affect any obligations incurred, acts done or property acquired prior to the change.

Addition of land

210(1) The Minister may, by order,

(a) add land to or take land from a district or a division, and

(b) divide a district or division into 2 or more districts or divisions.

(2) If all the land included in a district or a division has been taken from it, the district shall be deemed to be dissolved.

Adjustment
of assets and
liabilities

211 On

(a) any inclusion, exclusion, dissolution or transfer of land or districts, or

(b) the formation of a district,

the Minister, if he considers any adjustment of assets and liabilities necessary, shall in the same or a subsequent order give directions with respect to the assets and liabilities of any board affected by the inclusion, exclusion, dissolution, transfer or formation, and those directions are binding on the board.

Transfer of
teachers

212(1) If, as a result of a transfer of land or of districts by an order of the Minister, the students of a school come under the jurisdiction of another board, the board to which jurisdiction is given shall select a percentage of the teachers displaced by the transfer that is equal to the percentage of students transferred to the new jurisdiction.

(2) The teachers selected by the board under subsection (1) shall have the option of becoming employees of the board to which jurisdiction is given.

(3) Where a teacher chooses under subsection (2) to become an employee of the board to which the students were transferred, that teacher shall

(a) be paid by the board to which the teacher is transferred a salary in the same amount as the teacher was paid by the board from which the teacher was transferred, and

(b) continue to be paid that salary until

(i) the expiry date of the contract between the board formerly having jurisdiction and the teacher, or

(ii) the contract is terminated in accordance with this Act,

whichever occurs first.

Publication
of order

213 Every order of the Minister with respect to the establishment, boundaries, names, dissolution or disposal of assets and liabilities of a board or of a district or division shall be published in The Alberta Gazette.

Boundaries

214(1) When a district or division is wholly or in part described in an order establishing it as comprising certain townships, parts of townships, sections or parts of sections, the boundary line of the district or division, unless it is otherwise expressly set out in the order, is

(a) subject to clause (b), the side of the road allowance between adjoining sections or townships on which the survey monuments or posts are placed, and

(b) in the case of correction lines, the south side of the road.

(2) Any road allowance between either an Indian reserve or a forest reserve and a district or division shall be deemed to be in the district or division, notwithstanding anything in this Act to the contrary.

(3) All road allowances within the boundaries of the district or division shall be deemed to be in the district or division.

(4) Unless otherwise stated in an order establishing a district or division, if a part of the boundary of a district or division is described as being a certain river or other waterway, the downstream right bank is the boundary.

Restriction re
alteration of
boundaries

215 When a district or division has debenture indebtedness outstanding, no alteration in its boundaries shall be made that prejudicially affects the right or security of the holders of the debentures without due provision being made for the protection of the holders of the debentures.

Division 4

Board of Trustees

Establishment

216(1) For each public school district not included in a division the Minister shall by order establish a board and the members of the board are a corporation under the name of:

The Board of Trustees of _____ School District No. _____.

(2) For each separate school district established under this Act, there shall be a board and the members of the board are a corporation under the name of:

The Board of Trustees of _____ Separate School District No. _____.

(3) For each division the Minister shall by order establish a board and the members of the board are a corporation under the name of:

The Board of Trustees of _____ School
Division No. _____.

Number of
trustees

217(1) The Minister shall specify for each board the number of trustees, being not fewer than 3, to be elected to the board.

(2) For each subdivision within a division the Minister shall specify the number of trustees to be elected in the subdivision.

(3) The Minister may vary the number of trustees to be elected for each division, district or subdivision.

Change of name

218 A board of trustees may, by resolution, change its corporate name to another name that is approved by the Minister.

Failure to elect
trustee, etc.

219(1) If

(a) a trustee is not elected, or

(b) an appointment that is required to be made by this Act is not made,

the Minister may

(c) appoint a person as a trustee or appoint a person to the position, or

(d) in the case of an elected position, direct that an election be held to fill the vacancy.

(2) A person appointed by the Minister under subsection (1) is in the same position as he would have been had he been elected or appointed under any other provision of this Act.

Resignations

220(1) A trustee may resign by submitting his written resignation to the secretary of the board and he ceases to hold office at the meeting of the board at which the trustee's resignation is submitted.

(2) If all the trustees of a board wish to resign at the same time, they may resign by transmitting to the Minister a notice in writing to that effect and their resignation is effective on the date on which their successors are elected or appointed.

(3) The chairman of a board may resign his position as chairman while retaining his seat on the board.

Filling vacancies

221(1) If on a board of 6 or more trustees a vacancy occurs, the board shall make provision to fill the vacancy by holding a by-election.

(2) Notwithstanding subsection (1),

(a) during the 2-year period immediately following a general election, a by-election need not be held if there is 1 vacancy on the board, and

(b) during the 3rd year following a general election, a by-election need not be held unless the number of vacancies on the board

reduces the board to a number less than 1 more than the quorum of the board.

(3) When the Minister increases the number of trustees on a board, a by-election shall be held unless the increase is made in the 3rd year following a general election.

(4) In a board comprised of 5 trustees or less, the board shall provide for the filling of all vacancies that occur prior to the last 6 months of the term.

By-election

222 When

(a) an official trustee has been appointed under the *Department of Education Act* to conduct the affairs and business of a board, and

(b) the Minister considers that the official trustee has completed his duties,

the Minister may direct the official trustee to hold a by-election to fill the vacancies on the board.

PART 9 GENERAL

Procedure for
elections, etc.

223 All

- (a) general elections, by-elections, polls and plebiscites,
- (b) votes on by-laws or money by-laws, and
- (c) votes on any other matter or question

held pursuant to this Act shall be governed by this Act and the *Local Authorities Election Act*.

Election for
trustees

224(1) A board, with the approval of the Minister, may, by resolution, provide for

- (a) the nomination and election of trustees by wards, or
- (b) the election of trustees by the general vote of the electors.

(2) Where a municipality has a population of not less than 300 000 persons, the Minister may by order

- (a) direct that the nomination and election of trustees be by wards, and
- (b) determine the boundaries of the wards.

(3) A resolution or an order made under this section may be given effect at the next general election that is held following the making of the resolution or order, as the case may be, if the resolution or order has been made not later than 30 days prior to nomination day for that general election.

(4) If a resolution or an order made under this section is made less than 30 days prior to nomination day for a general election, the resolution or order, as the case may be, does not have effect until the

general election that is held next following the election held immediately after the making of the resolution or order.

- (5) Where a district or division is partitioned into wards,
- (a) the partition of the district or division into wards shall be done in such a manner that the number of electors residing in each ward is substantially equal, and
 - (b) the number of trustees to be elected to represent each ward shall be the same.
- (6) If
- (a) a district or division is partitioned into wards,
 - (b) the total number of trustees elected from all the wards is even in number,
 - (c) at a meeting of the board the total number of trustees elected are present, and
 - (d) a vote conducted at a meeting referred to in clause (c) results in a tie vote,

the chairman of the board shall cast a tie breaking vote.

- (7) The Minister may make regulations
- (a) respecting the nomination and election of trustees by wards;
 - (b) governing the partition of a district or division into wards.

Petition

225(1) When

- (a) this Act provides for the doing of anything by petition, or
- (b) an elector desires to present a petition to a board or the Minister,

the petition shall comply with the following:

- (c) each page of the petition shall contain an accurate and identical statement of the purpose of the petition;
- (d) each signature on the petition shall be witnessed by an elector;
- (e) the postal address of each signatory to the petition shall be set out opposite the signatory's signature.

(2) The elector who acted as a witness referred to in subsection (1)(d) shall swear an affidavit that to the best of his knowledge and belief the persons whose signatures he has witnessed are eligible to vote at an election for trustees to the board.

(3) There shall be attached to every petition a statement signed by an elector stating that

- (a) he represents the petitioners, and
- (b) he is the person to whom a board may direct any inquiries with regard to the petition.

	<p>(4) In determining the number of petitioners on a petition there shall be excluded the names of the following persons:</p> <ul style="list-style-type: none"> (a) a person whose signature appears on a page of the petition that does not contain an accurate statement of the purpose of the petition identical to the statement contained on all the other pages of the petition; (b) a person whose signature is not witnessed; (c) a person whose address is not set out or incorrectly set out; (d) a person who is not an elector. <p>(5) No name shall be removed from a petition after it has been received by a board or the Minister.</p>
Presentation of petition to board	226 When the petitioners wish to present a petition to a board, they shall do so by filing the petition with the secretary of the board.
Determination of a petition's sufficiency	<p>227 When a petition is filed with the secretary of the board, the secretary shall</p> <ul style="list-style-type: none"> (a) determine the number of petitioners that have signed the petition, (b) determine whether the petition meets the requirements of section 225, and (c) having made his determinations under clauses (a) and (b), declare the results of his determination.
Insufficiency of a petition	228 If a petition is found under section 227 to be insufficient, the board shall proceed as if the petition had not been presented to the board.
Appeal re insufficiency	<p>229(1) Where it is determined that a petition is insufficient, the petitioners may appeal the determination of the insufficiency of the petition to the Court of Queen's Bench by means of an originating notice.</p> <p>(2) An appeal under subsection (1) must be commenced within 14 days from the date that the secretary of the board made his declaration under section 227(c).</p> <p>(3) If on hearing the appeal the Court considers that the petition is sufficient, the board shall proceed as if the petition had been declared sufficient by the secretary of the board.</p>
Petition calling for a vote	<p>230 For the purposes of requiring a question to be submitted to a vote referred to in section 168 or 184, the petition must be signed by at least</p> <ul style="list-style-type: none"> (a) the lesser of <ul style="list-style-type: none"> (i) 5000 electors, or

(ii) the number of electors that is equal to 10% of the number of resident students,

in a district or division having 5000 or more resident students,

(b) the lesser of

(i) 500 electors, or

(ii) the number of electors that is equal to 25% of the number of resident students,

in a district or division having fewer than 5000 but 1000 or more resident students, or

(c) the lesser of

(i) 250 electors, or

(ii) the number of electors that is equal to 40% of the number of resident students,

in a district or division having fewer than 1000 resident students.

Petition calling
for a public
meeting

231(1) When a board of a city district receives a petition calling for a public meeting that is signed

(a) by 25% of the parents of the students in a school, or

(b) by the lesser of

(i) 2000 electors in the district, or

(ii) 25% of the electors in the district,

the board shall within 21 days from the date that it is presented with the petition call a public meeting.

(2) When a board, other than a board of a city district, receives a petition calling for a public meeting signed

(a) by 100 electors, or

(b) by a majority of electors in the district or division,

whichever is the lesser, the board shall within 21 days from the date that it is presented with the petition call a public meeting.

(3) A board shall direct 1 or more persons to attend the public meeting held pursuant to this section, as representatives of the board.

(4) At a public meeting held under this section, the electors present may

(a) elect 4 persons to a committee, and

(b) by resolution of the meeting, identify the areas of concern, related to the purpose stated in the petition, that are to be studied by the committee.

(5) The board shall name 2 representatives to any committee established by a public meeting held under this section.

(6) Within 30 days from the date of the establishment of a committee under this section, the committee shall make recommendations

to the board concerning the areas of concern identified in the public meetings at which the committee was established.

(7) Within 30 days from the date of receipt of the recommendations under subsection (6), the board shall

- (a) hold a meeting of the board, and
- (b) permit the committee to make representations with respect to its recommendations.

Notice of public meetings

232 When any public meeting is called under section 231, notice of the public meeting, including the time, place, date and purpose of the meeting, shall be given in at least 2 of the following ways:

- (a) by mailing to the electors of the district or division a notice in the form prescribed by the Minister at least 14 days prior to the date fixed for holding the meeting;
- (b) by posting,
 - (i) in 5 or more conspicuous places to which the public has normal and regular access, and
 - (ii) not later than the 8th day prior to the date fixed for holding the meeting,

a notice in the form prescribed by the Minister;

(c) by publishing a notice in the form prescribed by the Minister in a newspaper circulating within a district or division at least once a week for 2 successive weeks, the last of which shall be published not fewer than 8 days prior to the date fixed for holding the meeting;

(d) by an announcement on at least 3 consecutive days during the 8 days immediately preceding the date fixed for holding the meeting, that is broadcast by 1 or both of the following:

- (i) on a radio station serving the district or division, between the hours of 7 a.m. and 9 a.m. or 5 p.m. and 11 p.m.;
- (ii) on a television station serving the district or division, between the hours of 5 p.m. and 11 p.m.

Public notice

233(1) When public notice, other than notice of a public meeting, is required to be given under this Act, the notice shall, subject to this Act, be given

- (a) by posting it in 1 or more conspicuous places to which the public has normal and regular access, and
- (b) by publishing it, at the same time the notice is posted, in a newspaper circulating within the district or division at least once a week for 2 successive weeks.

(2) A notice given under this section shall be in a form prescribed by the Minister.

Alteration of
time limits

234(1) If any thing

(a) is to be done by a board or employee of a board within a number of days at a time fixed by or under this Act, and

(b) cannot be or is not so done,

the Minister may, by order, appoint a further or other time for doing the thing.

(2) An order may be made under subsection (1), notwithstanding that the time at or within which the thing ought to have been done has or has not arrived or expired, as the case may be.

(3) Any thing done at or within the time specified in the order made under subsection (1) is as valid as if it had been done at or within the time fixed by or under this Act.

(4) When

(a) a certain day is fixed on or by which certain things are to be done or proceedings taken, and

(b) it appears that the date was fixed having regard to an earlier fixed date on or by which certain other things are to be done or proceedings taken,

then, notwithstanding anything in this Act, if default is made in respect of the earlier date, a like delay is allowed in respect of the later date.

(5) This section does not apply to

(a) the time limits mentioned in connection with a contract or the termination of a contract of employment between a board and its teacher, or

(b) the time limits mentioned in connection with an appeal to the Board of Reference.

Residence

235 For the purposes of this Act, the place of residence of a person is governed by the following rules:

(a) a person can have only 1 place of residence;

(b) a person's residence is the place where that person ordinarily lives and sleeps and to which, when absent from the residence, that person intends to return;

(c) when a person leaves a district, division or unorganized territory with the intention of becoming resident in some other place, that person's residence in that district, division or unorganized territory ceases;

(d) when a person leaves Alberta with the intention of becoming ordinarily resident outside of Alberta, that person's residence in Alberta ceases.

Delegation of
Minister's power

236(1) The Minister may authorize in writing

(a) an employee of the Government under the administration of the Minister,

	<p>(b) a board or an employee of a board, or</p> <p>(c) any other person designated by the Minister,</p> <p>to do any act or thing or perform any function that the Minister may do or perform under this Act other than the power to make regulations.</p> <p>(2) A written authorization made under subsection (1) may be</p> <p>(a) of general application or applicable to a particular case, and</p> <p>(b) conditional or unconditional.</p> <p>(3) A written authorization made under this section</p> <p>(a) purporting to be signed by the Minister, and</p> <p>(b) stating that the person or board named therein is authorized to perform the duties or exercise the powers set forth in the written authorization,</p> <p>or a copy thereof, shall be admitted in evidence as prima facie proof of that person's or board's authorization to perform those duties and exercise those powers without proof of the signature or official character of the person appearing to have signed the written authorization.</p>
Enforcement of judgment	<p>237(1) A judgment against or order for the payment of money by a board may be enforced by means of a writ of execution and not otherwise.</p> <p>(2) The writ of execution shall specify the manner of satisfying the judgment on any terms that the court rendering the judgment determines.</p>
Regulations	<p>238 The Minister may make regulations</p> <p>(a) governing the evaluation and inspection of</p> <p>(i) the financial conditions,</p> <p>(ii) the administrative conditions, and</p> <p>(iii) any other matter respecting the management, administration or operation,</p> <p>of a board, private school or an early childhood services program;</p> <p>(b) prescribing notices and forms whether or not specifically required by this Act;</p> <p>(c) respecting the winding-up and dissolution of boards, districts and divisions, including the procedure to be followed and the rules for paying assets and liabilities.</p>
General penalty	<p>239 Any person who contravenes this Act or the regulations is guilty of an offence and, if no other penalty is provided for under this Act, liable to a fine of not more than \$1000.</p>

Penalty for
failure to give
information

240 A person who is required by this Act or the regulations,

- (a) to furnish any information,
- (b) to make a return or statement in writing, or
- (c) to perform any act or duty,

and who refuses, neglects or fails to do so is guilty of an offence and liable to a fine of not more than \$1000.

Enforcement
by Court

241(1) Where a board or another operator of a school or a person employed by a board or by another operator of a school offers or provides a course of study, an education program or instructional material that is not prescribed or approved or that is prohibited under this Act, the Minister may apply to the Court of Queen's Bench by means of an originating notice for an order directing the board, the other operator of a school or the person, as the case may be, to cease or desist from, as the case may be, offering or providing that course of study, education program or instructional material.

(2) Where under this Act or the regulations,

(a) the Minister or a board is empowered to make an order or direction to a person

- (i) to do some act or thing, or
- (ii) to cease from doing some act or thing,

and that person does not comply with that order or direction, or

(b) the approval of the Minister or a board is required in order for a person to carry on an activity or thing and that person carries on that activity or thing without obtaining or after the withdrawal of that approval,

the Minister or the board that exercised that power or granted or withdrew that approval may apply to the Court of Queen's Bench by means of an originating notice for an order doing the following:

- (c) directing the person to whom the order or direction referred to in clause (a) was given to comply with the order or direction;
- (d) directing the person that carried on the activity or thing referred to in clause (b) without the required approval to cease or desist from, as the case may be, carrying on the activity or thing.

(3) The Court may grant an order under this section

- (a) on those terms or conditions that the Court considers proper in circumstances, and
- (b) notwithstanding that the respondent to the application has or has not been prosecuted under this Act in respect of the matter that is the subject of the application.

Labour
Relations Act

242 Nothing in Part 1, 2 or 3 restricts or prohibits or shall be construed as restricting or prohibiting a board or any employee of a board from exercising any rights under the *Labour Relations Act*.

PART 10
TRANSITIONAL, CONSEQUENTIAL,
REPEAL AND COMMENCEMENT

Continuation
re boards,
trustees, etc.

243(1) *In this section, “former Act” means the School Act, chapter S-3 of the Revised Statutes of Alberta 1980.*

(2) The persons who were trustees of a board under the former Act immediately before the coming into force of this Act continue as trustees of the board under this Act.

(3) Any board, district or division that existed under the former Act immediately before the coming into force of this Act continues under this Act.

(4) Any notice given or procedure commenced under the former Act continues under this Act.

Continuation re
regional district

244(1) *In this section, “former Act” means the School Act, chapter S-3 of the Revised Statutes of Alberta 1980.*

(2) Where a regional district under the former Act was operating immediately prior to the coming into force of this Act,

(a) that regional district shall continue under this Act until dissolved, and

(b) section 23 of the former Act shall apply to that regional district in the same manner as if that section had not been repealed.

Continuation re
consolidated
school district

245(1) *In this section, “former Act” means the School Act, chapter 297 of the Revised Statutes of Alberta 1955.*

(2) Where

(a) a consolidated school district was formed under the former Act or any predecessor of that Act,

(b) the consolidated school district was operating at the commencement of The School Act, 1970, and

(c) the consolidated school district continued to operate after the commencement of The School Act, 1970 and is operating at the commencement of this Act,

that consolidated school district is deemed to have always existed since its formation under the former or predecessor Act and shall be considered to be a district for the purposes of this Act.

Amends
SA 1984 cC-8.1

246 *The Child Welfare Act is amended in section 1(2) by adding the following after clause (f):*

(f.1) the child is not or has not attended a school as required under the School Act and the matter is referred to a director under section 109(1)(f) of that Act;

Amends
RSA 1980 cC-27

247 *The County Act is amended in section 38 by striking out “Part 7” wherever it occurs and substituting “Part 6”.*

Amends
RSA 1980 cD-17

248 *The Department of Education Act is amended by repealing section 10.*

Amends
SA 1983 cL-27.5

249 *The Local Authorities Election Act is amended*

(a) *in section 22 by adding the following after section (1.1):*

(1.2) Subsections (1)(b), (c) and (f) to (j) do not apply to a candidate for election as a trustee of a school board.

(b) *by repealing section 48(2).*

Amends
RSA 1980 cM-29

250 *The Municipal and School Administration Act is amended in section 13(6) by striking out “Part 7” and substituting “Part 6”.*

Amends
RSA 1980 cM-31

251 *The Municipal Taxation Act is amended*

(a) *in section 45(1)(e) by adding “or elector” after “supporter” wherever it occurs;*

(b) *in section 148 by adding the following after subsection (2):*

(2.1) If a council has not received the requisition of the school district or division by March 15, the council shall make a payment on account to that school district or division based on the requisitions of the previous years.

(2.2) In the same manner and at the same time as it levies the amount of the basic requisition, each council shall levy the amount of any additional requisition, referred to in section 151 of the *School Act*, on the assessable property in that part of the school district, division or hamlet that is within the municipality.

Amends
SA 1983 cN-10.1

252 *The Northland School Division Act is amended*

(a) *in section 6*

(i) *in subsection (1) by striking out “sections 31 and 32” and substituting “Division 3 of Part 3”;*

(ii) *in subsection (3) by striking out “sections 34 to 37” wherever it occurs and substituting “Division 3 of Part 3”;*

(b) *in section 14 by striking out “Sections 32, 38, 44 to 46 and 48 to 50” and substituting “Division 3 of Part 3 and sections 61, 63 to 65, 71, 220 and 221”.*

Amends
RSA 1980 cP-19

253 *The Property Tax Reduction Act is amended in section 3(1)(i) and (3)(b) by striking out “section 137” wherever it occurs and substituting “Division 4 of Part 6”.*

Amends
RSA 1980 cT-2

254 *The Teachers’ Retirement Fund Act is amended*

(a) *in section 1*

(i) *as to clause (d)(i) by striking out “section 10 of the Department of Education Act” and substituting “section 23 of the School Act”;*

(ii) *as to clause (h)(i) by striking out “Part 5” and substituting “Division 1 of Part 4”;*

(b) in section 16(2) by striking out “section 100” and substituting “section 84”.

Repeal

255*(1) The School Act, chapter S-3 of the Revised Statutes of Alberta 1980, is repealed.*

(2) The School Buildings Act, chapter S-4 of the Revised Statutes of Alberta 1980, is repealed.

Coming
into force

256 *This Act comes into force on Proclamation.*