

1994 BILL 19

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 19

SCHOOL AMENDMENT ACT, 1994

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 19

1994

SCHOOL AMENDMENT ACT, 1994

(Assented to , 1994)

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

1 The School Act is amended by this Act.

*2 The preamble is amended by adding "in such a way that the
rights under the Constitution of Canada of separate school electors
are maintained" after "public schools and the separate schools".*

3 Section 1(1) is amended

(a) by adding the following after clause (b):

*(b.01) "charter school" means a school established under
section 24.2;*

(b) by adding the following after clause (s):

*(s.01) "school council" means a school council established
under section 17;*

4 Section 2.3(3) is repealed.

Explanatory Notes

1 Amends chapter S-3.1 of the Statutes of Alberta, 1988.

2 The preamble presently reads in part:

WHEREAS there is one publicly funded system of education in Alberta whose primary mandate is to provide education programs to students through its two dimensions, the public schools and the separate schools; and

3 Definitions.

4 Section 2.3(3) presently reads:

(3) If a student referred to in subsection (1) or (2) is enrolled in a school operated by a Regional authority, the board of which that student is a resident student or, if section 27(6) applies to the student, the Minister shall give the amount of money calculated in accordance with the regulations in respect of that student to the Regional authority.

5 *Section 2.4(b) is repealed.*

6 *Section 8(2) is repealed and the following is substituted:*

(2) A board may establish an attendance area for a school.

(2.01) A resident student of a board who resides in the attendance area for a school

- (a) shall be enrolled in that school if a program offered in the school is suitable for the student in the opinion of the board, and
- (b) shall be given priority over a student who does not reside in the attendance area if there are insufficient resources and facilities to accommodate both students in the opinion of the board.

7 *Section 15 is amended*

(a) *by adding the following after clause (c):*

(c.1) ensure that students in the school have the opportunity to meet the standards of education set by the Minister;

(b) *in clause (h) by striking out “or provide for the evaluation of”;*

(c) *in clause (i) by adding “in accordance with the regulations and the requirements of the school council and the board” after “by the board”.*

5 Section 2.4(b) presently reads:

2.4 The Minister may make regulations

(b) respecting the calculation of the amount of money referred to in section 2.3(3);

6 Section 8(2) presently reads:

(2) A resident student of a board, unless otherwise permitted under this Act or by the board, shall attend the school that the board directs the student to attend.

7 Section 15 presently reads:

15 A principal of a school must

- (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, approved or authorized pursuant to this Act;*
- (c) evaluate or provide for the evaluation of programs offered in the school;*
- (d) direct the management of the school;*
- (e) maintain order and discipline in the school and on the school grounds and during activities sponsored or approved by the board;*
- (f) promote co-operation between the school and the community that it serves;*
- (g) supervise the evaluation and advancement of students;*
- (h) evaluate or provide for the evaluation of the teachers employed in the school;*

8 Section 17 is repealed and the following is substituted:

School council

17(1) A school council shall be established in accordance with the regulations for each school operated by a board.

(2) The majority of the members of a school council shall be parents of students enrolled in the school.

(3) A school council shall

- (a)** advise the principal and the board respecting any matter relating to the school,
- (b)** perform any duty or function delegated to it by the board in accordance with the delegation,
- (c)** ensure that students in the school have the opportunity to meet the standards of education set by the Minister,
- (d)** ensure that the fiscal management of the school is in accordance with the requirements of the board and the superintendent, and
- (e)** do anything it is required to do under the regulations.

(4) Subject to the regulations, a school council may make and implement policies in the school that the council considers necessary to carry out its responsibilities under subsection (3) including but not limited to policies respecting

- (a)** the nature of the programs offered,
- (b)** the expenditure of money,
- (c)** the educational standards to be met by students, and
- (d)** the management of the school.

(5) A school council may make by-laws governing its meetings and the conduct of its affairs.

(6) Subject to the regulations, a board may develop and implement policies respecting school councils.

(7) The Minister, on the request of the board, may dissolve a school council without notice at any time if the Minister is of the opinion that the school council is not carrying out its responsibilities in accordance with this Act and the regulations.

- (i) subject to any applicable collective agreement and the principal's contract of employment, carry out those duties that are assigned to the principal by the board.*

8 Section 17 presently reads:

17(1) Parents of students attending a school may establish a school council for that school.

(2) The majority of the members of the school council of a school must be parents of students attending that school.

(3) A school council may

(a) advise the principal of the school and the board respecting any matter relating to the school, and

(b) perform any duty or function delegated to it by the board under section 45 in accordance with the delegation.

(4) The parents of students attending a school may dissolve the school council of that school in accordance with rules made under this section respecting the dissolution of the school council.

(5) The board shall make rules respecting the establishment of a school council, the election of members and the dissolution of the school council.

(6) A school council may, subject to any rules made under this section, make by-laws governing its meetings and the business and conduct of its affairs.

(8) The Minister may make regulations

- (a) respecting the election or appointment of the members of a school council and the term or other conditions of election or appointment and the dissolution of a school council;**
- (b) respecting the roles of the principal and the school council of a school and their respective powers, duties and responsibilities;**
- (c) respecting any other matter the Minister considers necessary respecting school councils;**
- (d) exempting a school or class of schools from the application of this section.**

9 *Section 19 is amended by adding the following after subsection (1):*

(1.1) A student may be suspended or expelled

- (a) if in the opinion of the teacher, the principal or the board, as the case may be, the conduct of the student does not comply with section 7, or**
- (b) for any other reason the teacher, the principal or the board, as the case may be, considers appropriate.**

10 *Section 24(1)(b) is amended by striking out “of which the student is a resident student”.*

11 *The following is added after section 24:*

9 Section 19(1) to (2.1) presently read:

19(1) In this section, "suspend" has the meaning given to it in the rules made by the applicable board.

(2) A teacher may suspend a student from one class period.

(2.1) A principal may suspend a student from

- (a) one or more class periods,*
- (b) one or more courses or school programs,*
- (c) school, or*
- (d) riding in a school bus.*

10 Section 24(1) presently reads:

24(1) A board or, with the approval of the Minister, a person may provide an early childhood services program to

- (a) a child who, as of September 1, is younger than 6 years of age, if the parent of the child agrees, or*
- (b) a student, if the parent of the student and the board of which the student is a resident student are of the opinion that the program will benefit the student.*

11 Charter schools.

Division 2.1 Charter Schools

Application

24.1(1) A person or society may apply to a board or the Minister for the establishment of a charter school to be operated by a society incorporated under the *Societies Act*, a company registered under Part 9 of the *Companies Act* or a Provincial corporation as defined in the *Financial Administration Act*.

(2) An application may be made to the Minister only if the board of the district or division in which the school is to be established refuses to establish the charter school.

(3) An application shall be in the form and contain the information prescribed by the regulations.

Charter schools

24.2 A board or the Minister may establish a charter school if the board or the Minister, as the case may be, is of the opinion that

- (a) the school will have significant support from the community in which it is to be located, and
- (b) the program to be offered by the school will potentially improve the learning of students as it is measured by the Minister in schools operated by boards that are not charter schools.

Operation of charter schools

24.3(1) A charter school shall be operated in accordance with the charter approved by the Minister.

(2) The society, company or Provincial corporation that is named in the charter shall operate the charter school.

(3) A charter school shall not charge a fee that may not be charged by a board under this Act.

(4) A charter school shall be non-sectarian.

Charter

24.4 A charter shall include the following:

- (a) the period during which it is to operate and the conditions for its renewal or termination;
- (b) the person or society that is to operate the school;
- (c) conditions, if any, respecting the enrolment of students in the school;

- (d) the program to be offered by the school;
- (e) any other matter required by the regulations or the board, in the case of a charter granted by a board, or the Minister, in the case of a charter granted by the Minister.

Application of Act

24.5(1) The following provisions and regulations made under them apply to a charter school and its operation, and a reference to a board in them is deemed to include a reference to a person or society that operates a charter school:

- section 1;
- Part 1;
- Part 2, except sections 22, 23;
- sections 35, 44, 59, 60.1;
- Part 3, Division 3;
- Part 4;
- Part 5;
- sections 125 to 130, 162, 167;
- Part 7, except section 186;
- Part 9.

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may exempt a charter school from the operation of any provision of this Act except sections 24.3 and 24.4 or the regulations.

Regulations

24.6(1) The Minister may make regulations

- (a) respecting applications for charter schools and the charter under which a charter school is operated, its contents and amendment or repeal;
- (b) respecting the number of charter schools in Alberta, the location of those schools and their relationship with boards and schools operated by boards;
- (c) respecting the transfer of the management or operation of a charter school to a person or society approved by the Minister or the winding-up of a charter school;
- (d) respecting any other matter the Minister considers necessary for a charter school to be operated in accordance with its charter.

Application of
order or
regulation

24.7 An order under section 24.5 or a regulation under section 24.6 may be general in its application or may apply to a particular charter school or a class of charter schools.

12 The following is added after section 26:

Grants

26.1(1) The Minister may make grants from money appropriated by the Legislature for the purposes of education if he is authorized to do so by regulations made under this section.

(2) The Lieutenant Governor in Council may make regulations

- (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 applying 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 if the conditions are not met;
- (g) providing for the payment of any grant in a lump sum or by instalments and the time or times at which the lump sum 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 to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;
- (j) authorizing the Minister
 - (i) to deduct from grants payable to a board any amounts owing by the board in the nature of
 - (A) fees payable to the Alberta School Trustees' Association, or

12 Grants by the Minister.

(B) unpaid payments of principal and interest under debentures,

and

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

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

13 Section 28 is repealed and the following is substituted:

Responsibility
to students

28(1) Subject to section 8(2.01), a board may direct a resident student of the board to enroll in and attend a particular school operated by the board unless a parent of the student requests otherwise.

(2) A board shall enroll a resident student of the board in the school operated by the board that a parent of the student requests if in the opinion of the board there are sufficient resources and facilities available to accommodate the student.

(3) Subject to subsection (4) and section 28.1, a board shall enroll a resident student of another board in a school operated by the board on the request of a parent of the student if in the opinion of the board asked to enroll the student there are sufficient resources and facilities available to accommodate the student.

(4) A board of a separate school district or of a division made up only of separate school districts may refuse to enroll a student in a school operated by the board if the student is not of the same faith as those who established the separate school districts.

(5) A parent of a student enrolled in a school shall not request that the student be enrolled in another school during a school year unless the board operating the other school consents.

13 Section 28 presently reads:

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) enroll the student in a school operated 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,

(iii) a private school accredited under section 22, or

(iv) a school or institution approved by the Minister

and pay the fees of and costs consequent to the student's attending that school or institution.

(2) Where

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

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

(i) operated by the board, or

Consent to
enrolment

(6) A board shall provide to each student enrolled in a school operated by the board an education program consistent with the requirements of this Act and the regulations that will give the student the opportunity to meet the standards of education set by the Minister.

28.1(1) If a student is a resident student of the board of a separate school district to which Part 6, Division 4 does not apply, the student, on the request of a parent of the student, may be enrolled in a school operated by the board of a district or division to which Part 6, Division 4 applies only if the board of which the student is a resident student agrees to pay the board operating the school in which the student is to be enrolled an amount equal to the quotient of the total taxes requisitioned for that school year by the board of which the student is a resident student divided by the number of students enrolled in schools operated by that board.

(2) The board of a district or division to which Part 6, Division 4 applies shall not enroll in a school operated by the board a resident student of a board of a district to which Part 6, Division 4 does not apply without receiving the amount referred to in subsection (1).

(3) The Lieutenant Governor in Council may make regulations

- (a) respecting the enrolment of students referred to in subsections (1) and (2);
- (b) respecting the calculation of the amount referred to in subsection (1).

14 Section 31 is repealed.

- (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 for placing the student in a school chosen by the parent.

(3) Where a board directs a student under subsection (1)(b)(i) or (ii) to attend a school that is 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 must 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 or services to resident students of the Government.

14 Section 31 presently reads:

31(1) A parent of a student may apply to a board of which the student is not a resident student for permission for the student to attend a school operated by the board.

(2) A board shall enroll a student whose parent applies under subsection (1) if

- (a) the board has sufficient facilities and resources to accept the student in a school operated by the board, and*

- (b) it is agreed that*

- (i) the board of which the student is a resident student,*

- (ii) the student's parent,*

15 Section 32 is amended

(a) by repealing subsection (1) and substituting the following:

Tuition fees

32(1) Subject to section 28.1, a board shall not charge any tuition fees with respect to the enrolment in a school operated by the board of its resident students or the resident student of any other board or the Government.

(b) in subsection (2) by adding “or any other board or the Government” after “resident student of the board”;

(c) by repealing subsection (3)(a).

16 Section 34 is amended

(a) by repealing subsection (1) and substituting the following:

(iii) *the student, or*

(iv) *the Minister, in the case of a resident student of the Government,*

will pay the fees authorized under this Act.

(3) *Where*

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

(b) *the school was, prior to a change in a boundary made under section 197 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 is 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.

15 Section 32 presently reads:

32(1) A board shall not charge any tuition fees in respect of the attendance of its resident students at a school operated by the board.

(2) A board may charge tuition fees in respect of an individual who attends a school operated by the board and who is not a resident student of the board.

(3) A tuition fee charged under subsection (2)

(a) in respect of an individual who is a resident student of another board or the Government shall not exceed the amount of the net average local cost per student of maintaining the education program in which the individual is enroled, or

(b) in respect of an individual who is not a resident student of another board or the Government shall not exceed the cost to the board of having that individual enroled in a school operated by the board.

16 Section 34 presently reads:

34(1) A board shall provide for the transportation of a resident student of that board to and from the site of the school that the board has directed the student to attend if the parent of the student resides at a distance greater than 4.8 kilometres from the site of that school.

Transportation

34(1) A board, in accordance with the regulations, shall provide for the transportation of a student to and from the site of the school in which the board has enrolled the student if the student resides within the boundaries of the district or division and at a distance greater than 4.8 kilometres from the site of that school.

(b) in subsection (2) by striking out “student’s parent” and substituting “student”;

(c) by adding the following after subsection (4):

(5) The Minister may make regulations respecting the transportation of students.

17 Section 38 is amended

(a) in subsection (1) by striking out “its resident students” and substituting “students enrolled in schools operated by the board”;

(b) in subsection (4) by striking out “resident student of the board to pay a fee for a course he is directed to take by the board” and substituting “student who is enrolled in a school operated by the board to pay a fee for a course provided under this section”.

18 Section 44 is amended

(a) in subsection (2)(a) and (a.1) by adding “and the regulations” after “section 25” wherever it occurs;

(b) by repealing subsection (2)(b) and substituting the following:

(b) subject to the regulations and in co-operation with school councils, provide for parental and community involvement in schools;

(c) in subsection (3)(c) by adding “subject to the regulations,” before “respecting”.

(2) The board shall be deemed to have complied with subsection (1) when transportation is provided on a route that is not more than 2.4 kilometres from the residence of the student's parent.

(3) A board may charge the parent of a student receiving transportation provided by the board any fee determined by the board whether or not the transportation is provided under subsection (1).

(4) In computing distances for the purposes of this section,

(a) the official survey made under any Act of Canada or the Legislature relating to surveys shall be accepted as final and conclusive and all sections shall be deemed to be 1.6 kilometres square and no more,

(b) the width of road allowances shall be excluded from the computation, and

(c) the distance of a residence from a school or from a bus route shall be the shortest distance measured along a travelled road or public right of way between the boundary of the school site or the bus route, as the case may be, and the nearest boundary of the quarter section or lot on which the student's parent resides.

17 Section 38(1) and (4) presently read:

38(1) A board, in addition to its obligation to provide courses and education programs to its resident students under this Act, may develop or provide courses to any person on any subject.

(4) Notwithstanding section 32, a board may charge a student registered in a course provided by it under this section any fees it considers appropriate, but it may not require a resident student of the board to pay a fee for a course he is directed to take by the board.

18 Section 44(2) and (3) presently read:

(2) A board may

(a) subject to section 25, develop, acquire or offer courses or programs;

(a.1) subject to section 25, develop or acquire instructional materials for use in programs or in schools;

(b) subject to section 17, provide for parental and community involvement in schools;

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

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

19 Section 45(1)(g) is repealed and the following is substituted:

- (g) the power to requisition from a municipality that the board may have from time to time,

- (i) *trustees, and*
 - (ii) *persons appointed to committees of the board;*
 - (e) *make payments, other than loans or grants, 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 and specify the powers and duties of the committees;*
 - (i) *charge a parent of a student fees with respect to instructional supplies or materials;*
 - (j) *make any banking arrangements necessary for the carrying out of its duties and powers.*
- (3) *A board may make rules*
- (a) *respecting the suspension and expulsion of students;*
 - (a.1) *respecting activities sponsored or approved by the board;*
 - (b) *respecting the attendance of students at schools;*
 - (c) *respecting the establishment, administration, management and operation of*
 - (i) *schools operated by the board, or*
 - (ii) *school buses used for the purposes of the board;*
 - (d) *respecting any other matter under the jurisdiction of the board.*

19 Section 45(1) presently reads:

45(1) *The board may authorize by resolution*

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

20 Section 60.1 is amended by renumbering it as section 60.1(1) and by adding the following after subsection (1):

(2) The Minister may publish or otherwise disseminate any information the Minister receives under subsection (1).

21 Section 78(2) is repealed and the following is substituted:

(2) Unless the teacher agrees, a board may not require a teacher to instruct students

(a) for more than 1100 hours in a school year, or

(b) for more than 200 teaching days in a school year.

22 Section 94 is repealed and the following is substituted:

Superin-
tendent of
schools

94(1) Subject to the regulations, a board shall appoint an individual superintendent of schools with the prior approval in writing of the Minister.

(2) The superintendent is the chief executive officer of the board and the chief education officer of the district or division.

(3) The superintendent, in addition to his duties as chief executive officer of the board, shall supervise and manage the operation of schools and the provision of education programs in the district or division, including but not limited to the following:

(a) implementing education policies established by the Minister;

to do any act or thing or exercise any power that the board may or is required to do or exercise subject to the directions and limitations set out in the resolution, except

- (e) the power to make a by-law under this Act,*
- (f) the power to close a school or school building under section 42,*
- (g) the power to requisition from a municipality,*
- (h) subject to section 86, the power to suspend the services of a teacher,*
- (i) the power to terminate the services of a teacher, and*
- (j) the power to hold a hearing under section 85.*

20 Section 60.1 presently reads

60.1 A board shall provide the Minister with any information the Minister requests in writing.

21 Section 78(2) presently reads:

(2) Unless the teacher agrees, a board may not require a teacher to instruct students

- (a) for more than 330 minutes during a teaching day, or*
- (b) for less than 190 or more than 200 teaching days in a school year.*

22 Section 94 presently reads:

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 and shall notify the Minister of the appointment forthwith.

(2) Notwithstanding subsection (1), on the request of a board, the Minister may appoint a superintendent of schools for the board, who shall be the chief executive officer of the board and shall be paid by the board.

- (b) ensuring that students have the opportunity in the district or division to meet the standards of education set by the Minister;
- (c) ensuring that the fiscal management of the district or division is in accordance with the terms or conditions of any grants received by the board under this Act or any other Act;
- (d) providing leadership in all matters relating to education in the district or division.

(4) The superintendent shall report to the Minister with respect to the matters referred to in subsection (3)(a) to (d) at least once a year as required by the Minister.

Replacement
of
superintendent

94.1(1) If a superintendent of schools who is appointed by a board does not carry out the responsibilities given to a superintendent under section 94(3)(a) to (d) in a manner that the Minister considers appropriate, the Minister may order the board to replace the superintendent with another superintendent approved under section 94 by a date specified in the order.

(2) The date specified in an order under subsection (1) shall be not less than 3 months after the date on which the order is given to the board.

(3) An order under subsection (1) shall specify the reasons on which the Minister based the order that a superintendent be replaced.

23 *Section 113(2) is repealed.*

24 *Section 122 is repealed and the following is substituted:*

Costs

122(1) Unless the Board of Reference orders otherwise, the parties to an appeal to the Board shall contribute equally in accordance with the regulations to the payment of the costs and expenses of the Board relating to the appeal.

(2) The parties to an appeal shall pay their own costs unless the Board of Reference orders otherwise.

23 Section 113(2) presently reads:

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

24 Section 122 presently reads:

122 Each party to the appeal shall pay his own costs unless the Board of Reference otherwise orders.

(3) The Lieutenant Governor in Council may make regulations

- (a) respecting the remuneration and expenses payable to a member of the Board of Reference;
- (b) prescribing the classes of costs and expenses that are costs and expenses for the purposes of subsection (1);
- (c) respecting the amount or calculation of the amount of costs and expenses payable by the parties under subsection (1).

25 *Section 126(4) is repealed.*

26 *Section 130 is amended*

(a) *by adding the following after subsection (1):*

(1.1) Subject to subsections (3) and (4), any money of a board that is received by the board under a grant made under section 26.1 or any other Act in respect of a fiscal year and is not spent during that fiscal year may be spent during a subsequent fiscal year for a purpose that is substantially similar to the purpose for which it was received.

(b) *in subsection (3) by adding “, received” after “accumulated”.*

27 *Section 131 is repealed and the following is substituted:*

Assessment

131 All property is assessable in accordance with this Act for school purposes.

25 Section 126(4) presently reads:

(4) The Minister in his discretion may publish or otherwise disseminate all or part of the documents submitted to him pursuant to this section.

26 Section 130 presently reads:

130(1) Subject to subsections (3) and (4), any money of a board that is accumulated by way of a reserve fund for capital expenditures shall be used only for capital expenditures.

(2) Subject to subsections (3) and (4), any money of a board that is acquired for capital expenditures by borrowing or in any other manner shall be used only for the purpose for which it was acquired.

(3) The Minister may, on any conditions that the Minister prescribes, grant permission to a board to use money referred to in subsections (1) and (2) for a purpose other than that for which it was accumulated or acquired.

(4) Notwithstanding subsections (1) and (2), a board may effect a temporary transfer for a period of not more than 1 fiscal year of capital funds to an account for current expenses and, on the transfer of the capital funds, the funds may be applied during that period toward current expenses.

27 Section 131 presently reads:

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

(2) When a separate school district exists and the municipality has no information as to whether property of an individual is assessable for public or separate school purposes, the property is assessable for public and separate school purposes in accordance with an

28 *Section 132(4) and (5) are repealed.*

agreement between the boards of the relevant public school district or division and the relevant separate school district.

(3) If there is no agreement under subsection (2) between the boards of a public school district or division and the relevant separate school district, the assessment shall be apportioned between the boards of the public school district or division and the separate school district in the same ratio as

(a) if the public school district is not part of a division, the number of resident students of the board of the public school district, or

(b) if the public school district is part of a division, the number of resident students of the board of the division who actually reside in the district whose boundaries are co-terminous with the separate school district,

is to the number of resident students of the board of the separate school district.

(4) The boards of a public school district and a separate school district shall enter into only one agreement at any time for the purposes of subsection (2) and sections 142, 143, 144 and 145, and the terms of the agreement shall stipulate that the apportionment under subsection (2) and sections 142, 143, 144 and 145 shall be the same.

28 Section 132 presently reads:

132(1) When

(a) a separate school district exists, and

(b) the faith of an individual, whether Protestant or Roman Catholic, is the same as the faith of 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.

(4) Notwithstanding subsections (2) and (3) of this section and section 131(1), if the boards of

29 *The following is added after section 133(2):*

(3) This section applies only when the separate school district is authorized to raise money by a plebiscite under Part 6.

30 *The following is added after section 134(8):*

(9) Notwithstanding subsections (5) to (8), a municipality shall not remove the name of any individual from a list referred to in subsection (1) on or after the date on which the board passes the resolution authorizing a plebiscite under Part 6 in respect of the separate school district unless

- (a) the resolution is withdrawn by the board,
- (b) the separate school electors do not agree in the plebiscite to a special school tax levy, or
- (c) the taxable period affected by the special school tax levy has ended or public notice is given by the board under section 181.1(2), whichever occurs first.

- (a) *Glen Avon Separate School District No. 5 and St. Paul School District No. 2228 each pass a resolution,*
- (b) *St. Albert Separate School District No. 6 and St. Albert School District No. 3 each pass a resolution, or*
- (c) *such other public and separate school districts with the same boundaries as the Lieutenant Governor in Council prescribes each pass a resolution,*

that this subsection applies in that district, an individual who is not a resident of the separate school district may direct that his property be assessed for separate school purposes, and when the direction is made the individual is deemed to be a resident of the separate school district and to have all the rights, duties and obligations of a resident of the separate school district.

(5) A resolution passed by a board for the purposes of subsection (4) remains in effect until rescinded and shall not be rescinded before the next following election of trustees in that district or division.

29 Section 133 presently reads:

133(1) In this Division, "interfaith marriage" means a marriage between a member of the minority faith, whether Protestant or Roman Catholic, and an individual who is not a member of the minority faith, both of whom reside within the boundaries of the same separate school district.

(2) If one of the parties to an interfaith marriage is a resident of the relevant separate school district, the parties to the marriage may declare themselves to be a unit and, for as long as that party continues to be a resident of the separate school district, they may direct that their property be assessed for the purposes of either the public school district or the separate school district and both of them are deemed to be residents of and to have all the rights, duties and obligations of a resident of that school district.

30 Section 134 presently reads:

134(1) Where a separate school district is established, the board of the separate school district shall

- (a) before the 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 individuals whose property is liable to assessment for the support of the separate school district.

(2) Where a separate school district is established, the board of the separate school district shall submit a list of the names and addresses of all individuals who were separate school electors as

defined in section 199 at the time the separate school district was established.

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

(4) The lists referred to in subsections (1) and (2) 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.

(5) On receiving the lists referred to in subsections (1) and (2), the municipality shall mail to each individual named on a 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 his property that is located in the 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,

(ii) he is a resident of that district but does not hold property in the district, or

(iii) he does not reside in that district but his property that is located in the 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 or as a non-resident property owner whose property is assessable for the purposes 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 same faith as those who established the separate school district.

(6) When a written notice is given by an individual under subsection (5)(b), the municipality shall remove the name of the individual from the list.

(7) After the expiration of 3 weeks from the date of the mailing of the last of the notices by the municipality under subsection (5), the municipality shall with respect to all individuals whose names remain

31 Section 135 is amended by repealing subsections (1), (2), (3) and (5) and substituting the following:

Notice by
individual

135(1) Any individual who is a separate school elector as defined under section 199 may give written notice at any time to a municipality that the property of the individual is assessable for separate school purposes.

(2) Any individual who is not a separate school elector as defined under section 199 may give written notice at any time to the municipality that the property of the individual is assessable for public school purposes.

(3) Notwithstanding subsections (1) and (2), an individual shall not give a written notice referred to in subsection (1) or (2) or withdraw a notice already given on or after the date on which the board of a school district or division passes a resolution authorizing a plebiscite under Part 6 in respect of a district or division that includes the part of the municipality in which the property of the individual is located unless

- (a) the resolution is withdrawn by the board,
- (b) the school electors do not agree in the plebiscite to a special school tax levy, or
- (c) the taxable period affected by the special school tax levy has ended or public notice is given by the board under section 181.1(2), whichever occurs first.

(3.1) A corporation or co-operative association may give written notice to a municipality that all or a portion of its property located in the municipality is assessable for public or separate school purposes in accordance with section 136.

(a) on the list referred to in subsection (1), record their properties as being assessable for separate school purposes, and

(b) on the list referred to in subsection (2), if any, record those individuals as being electors of the separate school district.

(8) The municipality shall furnish to the board of the separate school district and to the board of the relevant public school district or division a copy of the list following the removal of names, if any, pursuant to subsection (6).

31 Section 135 presently reads:

135(1) Any person may at any time give written notice to a municipality

(a) in the appropriate form set out in the Schedule that his property is assessable for public school or for separate school purposes,

(b) in the case of a corporation or a co-operative association, that none of the shareholders or members are of the same faith as those who established the separate school district,

(c) that he is making a direction under section 132(4), or

(d) that he is a party to an interfaith marriage that is declared to be a unit under section 133,

and on receipt of the notice the municipality shall adjust its records to indicate that person's property as being assessable in accordance with the notice.

(2) The Lieutenant Governor in Council may amend the Schedule.

(3) When a municipality is advised that a person wishes to give the municipality notice under subsection (1) or section 136, the municipality shall provide the person with the appropriate form set out in the Schedule or the forms, if any, prescribed by the Minister for the purposes of subsection (1) and section 136.

(4) If a person acquires ownership of a fee simple estate in land, the person shall complete the appropriate notice referred to in subsection (1) and give it to the municipality in which the land referred to in the transfer is located.

(5) If a municipality does not receive a notice in accordance with subsection (4) within 60 days after it is advised that the ownership of a fee simple estate in land has been transferred, the municipality shall send the transferee

(a) if the transferee is an individual, the appropriate form under subsection (1)(a), or

32 Section 136 is amended

(a) by repealing subsection (1) and substituting the following:

Notice by
corporation

136(1) A corporation or co-operative association, by notice under section 135 at any time, may require

- (a) that a portion of its property be entered and assessed for separate school purposes in accordance with this section if it has shareholders or members of the same faith as those who established a separate school district in which it has property, or
- (b) that all of the property it has in the municipality be entered and assessed for public school purposes.

(1.1) Notwithstanding subsection (1), a corporation or co-operative association shall not give a written notice referred to in section 135 or withdraw a notice already given on or after a board of a school district or division passes a resolution authorizing a plebiscite under Part 6 in respect of a district or division that includes the property referred to in the notice unless

- (a) the resolution is withdrawn by the board,
- (b) the school electors do not agree in the plebiscite to a special school tax levy, or
- (c) the taxable period affected by the special school tax levy has ended or public notice is given by the board under section 181.1(2), whichever occurs first.

(b) in subsections (2) and (3) by striking out “subsection (1)” wherever it occurs and substituting “subsection (1)(a)”;

(c) by repealing subsection (4).

(b) if the transferee is a corporation or a co-operative association, the forms, if any, prescribed by the Minister for the purposes of subsection (1)(b) and section 136.

(5.1) A notice given by a corporation or co-operative association under this section shall state that the information in the notice has been approved by a resolution of the shareholders, the members or the directors, as the case may be.

(6) When a person gives notice under this section, any change in the assessment roll shall not be effective for tax purposes until the year following the year in which the notice is given.

(7) Any person entitled to examine the assessment and tax roll may, in accordance with section 42 of the Municipal Taxation Act, examine a notice given under this section or section 136 by a corporation.

32 Section 136 presently reads:

136(1) When a separate school district exists, a corporation or co-operative association that has shareholders or members of the same faith as those who established the separate school district may, by giving notice to the proper officer of the municipality, require a portion 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, the notice under subsection (1) shall designate to the separate school district the proportion of the property of the corporation in the district that is assessable for school purposes that the value of shares owned by shareholders who are separate school supporters bears to the total value of all shares of the corporation.

(3) The notice under subsection (1) of a corporation that does not have shareholders or of a co-operative association shall designate to the separate school district the proportion of the property of the corporation or the co-operative association in the district that is assessable for school purposes that the number of members who are separate school supporters bears to the total number of members.

(4) The notice given by a corporation or co-operative association shall state that the proportion of the property of the corporation or co-operative association designated in the notice has been approved by a resolution of the shareholders, the members or the directors, as the case may be.

33 *Section 137 is repealed.*

34 *Section 138 is repealed.*

33 Section 137 presently reads:

137(1) In this section,

- (a) "allotment of assessment" means that portion of the assessment of the property of a property-holding corporation that is in the same ratio to the total assessment of that property as the value of the shares held by the shareholder corporation is 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 136(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 136(1) as though that shareholder corporation were a natural person, and*
- (b) the property-holding corporation, if it gives a notice under section 136(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 136(2).*

34 Section 138 presently reads:

35 *Section 138.1 is repealed.*

138(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 136(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 136(1) as though that member corporation were a natural person, and

(b) the property-holding corporation, if it gives a notice under section 136(1), shall treat the member corporation as a separate school supporter for the purposes of section 136(3).

35 Section 138.1 presently reads:

138.1(1) If a separate school district is established under this Act, each municipality within which the separate school district lies shall notify each corporation and co-operative association holding property within the boundaries of the new separate school district that the corporation or co-operative association may give a notice referred to in section 135, 136, 137 or 138 and that, in the absence of a notice on the next December 31, the assessment of the property of the corporation or co-operative association shall be apportioned under section 142.

(2) If the Minister adds land to a separate school district under this Act, each municipality within which the added land lies shall notify each corporation and co-operative association holding property within the added land that the corporation or co-operative association may give a notice referred to in section 135, 136, 137 or 138 and that, in the absence of a notice on the next December 31,

36 *Section 139 is amended by striking out “, 136, 137 or 138”*

37 *Section 142 is repealed.*

38 *Section 143 is repealed.*

the assessment of the property of the corporation or co-operative association shall be apportioned under section 142.

(3) Subsection (2) does not apply if any property within the added land is assessable for separate school district purposes before the date on which the land is added.

36 Section 139 presently reads:

139 A notice given under section 135, 136, 137 or 138 is prima facie proof

(a) of the contents of that notice, and

(b) that a corporation or co-operative association that gave the notice was properly empowered to give the notice.

37 Section 142 presently reads:

142(1) When a separate school district is situated wholly or partly within a municipality, the proper officer of the municipality shall apportion the assessment of the property situated in the district of a corporation or co-operative association that has not given notice under section 135 or 136 to the relevant public school district or division and the relevant separate school district in accordance with an agreement between the boards.

(2) If there is no agreement under subsection (1) between the boards of a public school district or division and the relevant separate school district, the assessment shall be apportioned between the boards of the public school district or division and the separate school district in the same ratio as

(a) if the public school district is not part of a division, the number of resident students of the board of the public school district, or

(b) if the public school district is part of a division, the number of resident students of the board of the division who actually reside in the district whose boundaries are co-terminous with the separate school district,

is to the number of resident students of the board of the separate school district.

38 Section 143 presently reads:

143(1) 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

39 Section 144 is repealed.

- (ii) *liable to assessment and taxation under the Municipal and Provincial Properties Valuation Act,*

the proper officer of the municipality shall apportion the assessment of that property between the relevant public school district or division and the relevant separate school district in accordance with an agreement between the boards.

(2) If there is no agreement under subsection (1) between the boards of a public school district or division and the relevant separate school district, the assessment shall be apportioned between the boards of the public school district or division and the separate school district in the same ratio as

- (a) if the public school district is not part of a division, the number of resident students of the board of the public school district, or*
- (b) if the public school district is part of a division, the number of resident students of the board of the division who actually reside in the district whose boundaries are co-terminous with the separate school district,*

is to the number of resident students of the board of the separate school district.

39 Section 144 presently reads:

144(1) 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 or the Treasury Branches Act,*

the proper officer of the municipality shall apportion the valuation of that property between the relevant public school district or division and the relevant separate school district in accordance with an agreement between the boards.

(2) If there is no agreement under subsection (1) between the boards of a public school district or division and the relevant separate school district, the assessment shall be apportioned between the

40 Section 145 is repealed.

boards of the public school district or division and the separate school district in the same ratio as

- (a) if the public school district is not part of a division, the number of resident students of the board of the public school district, or*
- (b) if the public school district is part of a division, the number of resident students of the board of the division who actually reside in the district whose boundaries are co-terminous with the separate school district,*

is to the number of resident students of the board of the separate school district.

40 Section 145 presently reads:

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 of the municipality shall apportion the assessed value of that property between the relevant public school district or division and the relevant separate school district in accordance with an agreement between the boards.

(2) If there is no agreement under subsection (1) between the boards of a public school district or division and the relevant separate school district, the assessment shall be apportioned between the boards of the public school district or division and the separate school district in the same ratio as

- (a) if the public school district is not part of a division, the number of resident students of the board of the public school district, or*
- (b) if the public school district is part of a division, the number of resident students of the board of the division who actually reside in the district whose boundaries are co-terminous with the separate school district,*

is to the number of resident students of the board of the separate school district.

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

41 *Section 146 is repealed.*

42 *Section 147(3) is repealed and the following is substituted:*

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

- (a) the assessment of property of an individual that is assessable for separate school purposes shall pertain to the separate school district,
- (b) the assessment of property of an individual that is assessable for public school purposes shall pertain to the public school district, and
- (c) the assessment of property of a corporation or a co-operative association shall be apportioned between the separate school district and the public school district in accordance with the notice given under section 135.

(4) For the purposes of subsection (3),

- (a) a reference to a public school district includes a regional division other than a regional division made up only of separate school districts, and
- (b) a reference to a separate school district includes a regional division made up only of separate school districts.

41 Section 146 presently reads:

146 For the purposes of sections 131(3) and 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 as of September 30 in that year.

42 Section 147(3) presently reads:

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

- (a) the assessment of the property of an individual that is assessable for separate school purposes shall pertain to the separate school district,*
- (b) the assessment of property of an individual that is assessable for public school purposes shall pertain to the public school district,*
- (c) the assessment of property of an individual referred to in section 131(2) or (3) shall be apportioned between the separate school district and the public school district in the same manner as prescribed in section 131(2) or (3), as the case may be,*
- (d) the assessment of property of a corporation referred to in section 135(1)(b) shall pertain to the public school district,*
- (e) the assessment of property of a corporation referred to in section 136 shall be apportioned between the separate school district and the public school district in the same manner as prescribed in section 136,*
- (f) 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 in section 142,*
- (g) 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 in section 143,*
- (h) 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*

43 Section 152 is repealed.

44 Section 153 is amended

(a) by repealing clauses (c) to (f);

*(b) in clause (g) by striking out “(a) to (f)” and substituting
“(a) and (b)”.*

public school district in the same manner as prescribed in section 144, and

- (i) 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 in 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.

43 Section 152 presently reads:

152(1) For the purpose of determining an additional requisition only, the Minister may by order declare any area to be a hamlet.

(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

(a) determine the amount of the additional requisition to be made, and

(b) designate the hamlet within which the levy will be made,

to produce that amount.

(3) When a board passes a resolution under subsection (2), that resolution does not take effect unless it is passed before the board submits its annual requisition under section 151 to the municipality within which the hamlet lies or partly lies.

(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.

(5) An additional requisition established by this section may be

(a) reduced by resolution of the board, or

(b) with the prior approval of the Minister, increased by resolution of the board.

44 Section 153 presently reads:

153 The proper officer of each municipality, when providing the certificate required by section 147, shall also send to each board a statement showing, both for public school purposes and for separate school purposes,

- (a) the total assessment of all property assessed to individuals,*

45 *Section 156 is amended by striking out “School Foundation Program Fund” and substituting “Alberta School Foundation Fund”.*

46 *The heading preceding section 157 is struck out and the following is substituted:*

Division 4
Alberta School Foundation Fund

47 *Section 157 is repealed and the following is substituted:*

Dissolution of
School
Foundation
Program Fund

157 The School Foundation Program Fund is dissolved.

48 *The following is added after section 157:*

Application of
this Division

157.1(1) This Division applies to all boards of public school districts or divisions.

(2) This Division applies to the board of a separate school district or a division made up only of separate school districts if the board, pursuant to a resolution, certifies to the Minister under the seal of the district or division that this Division applies to it.

(3) A board of a district or division to which this Division applies shall requisition a municipality under Division 3 only in accordance with a plebiscite conducted under Division 7.

- (b) *the total assessment of all property assessed to corporations under sections 135 and 136,*
- (c) *the total assessment of all property assessed to corporations under section 142,*
- (d) *the total assessment of all property assessed under section 143,*
- (e) *the total valuation of all property as determined under section 144,*
- (f) *the total assessed value of all property as determined under section 145, and*
- (g) *the totals of the assessments, valuations and assessed values under clauses (a) to (f).*

45 Section 156 presently reads:

156 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.

46 The heading presently reads:

*Division 4
School Foundation Program Fund*

47 Section 157 presently reads:

157 The School Foundation Program Fund heretofore established is continued.

48 Alberta School Foundation Fund.

157.2 The Alberta School Foundation Fund is established by this section.

49 Section 158 is amended

(a) in subsection (1) by striking out “a rate” and substituting “one or more rates”;

(b) by adding the following after subsection (1):

(1.1) Rates may be established under subsection (1)

(a) respecting the classes of property to be assessed using the rates;

(b) respecting towns or townsites within national parks;

(c) for rates established for 1994, 1995, 1996, 1997 or 1998, respecting the districts or divisions to which the rates are applicable;

(d) for rates established for 1994, 1995, 1996, 1997 or 1998, respecting the municipalities required to apply the rates.

(c) in subsection (2) by striking out “rate established pursuant to subsection (1)” and substituting “rates referred to in subsection (1) in accordance with the order that establishes them”;

(d) by repealing subsection (4) and substituting the following:

(4) Each municipality shall pay into the Alberta School Foundation Fund the amount requisitioned under this Division at the times set by section 148 of the *Municipal Taxation Act* as if the payment were made pursuant to the requisition of a board.

(e) by repealing subsection (7) and substituting the following:

(7) Notwithstanding anything in this section, property assessed for separate school purposes in a district or division to which this Part does not apply shall not be included in the equalized assessment referred to in subsection (2).

(f) by striking out “School Foundation Program Fund” wherever it occurs and substituting “Alberta School Foundation Fund”.

49 Section 158 presently reads:

158(1) The Lieutenant Governor in Council shall in each year establish a rate expressed in mills.

(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 Municipalities Assessment and Equalization Act.

(3) The Minister, or a 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.

(4) Each municipality shall pay one half of the sum required in each year on or before the first day of each of August and November.

(5) Notwithstanding anything in this Division, the Minister may by order provide that the sum required to be paid into the School Foundation Program Fund by a municipality pursuant to subsection (2)

(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

(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.

(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 that the Minister prescribes.

(7) Notwithstanding anything in this section,

(a) property assessed for separate school purposes shall not be included in the equalized assessment referred to in subsection (2), and

(b) no payment shall be made out of the School Foundation Program Fund to any separate school district

50 *Section 159 is amended by striking out “School Foundation Program Fund” and substituting “Alberta School Foundation Fund”.*

51 *The following is added after section 159:*

Payment from
the Fund

159.1(1) Subject to regulations made under subsection (2), the Minister shall make payments from the Alberta School Foundation Fund only to the boards of the districts or divisions to which this Division applies and on an equitable basis.

(2) The Lieutenant Governor in Council may make regulations respecting payments to boards from the Alberta School Foundation Fund for the purposes of education under this Act.

Audit Board

159.2(1) The Lieutenant Governor in Council shall establish an Alberta School Foundation Fund Audit Board consisting of the chair of the Audit Committee under the *Auditor General Act*, who shall chair the Board, and the following members:

- (a) the president of the Alberta School Boards Association;
- (b) the president of the Alberta Catholic School Trustees Association;
- (c) the president of the Public School Boards Association of Alberta;
- (d) one member of the public appointed by the Lieutenant Governor in Council.

(2) The Alberta School Foundation Fund Audit Board shall ensure that money in the Alberta School Foundation Fund is paid only to boards to which this Division applies.

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.

(8) If it is determined on appeal under the Municipalities Assessment and Equalization Act that a municipality has paid an amount into the School Foundation Program Fund in excess of the sum that it is required to pay under subsection (2), the Minister may order the repayment of the excess to the municipality from the School Foundation Program Fund.

50 Section 159 presently reads:

159 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.

51 Payments from Alberta School Foundation Fund.

(3) Notwithstanding this or any other Act, the Minister, a municipality and a board to which this Division applies shall provide the Alberta School Foundation Fund Audit Board with any information necessary for the Board to perform its duty under subsection (2) that the Board requests in the form and at the time requested.

52 *Section 160 is repealed.*

52 Section 160 presently reads:

160(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.

(2) The Lieutenant Governor in Council may make regulations

- (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 applying 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 lump sum 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 to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;*
- (j) authorizing the Minister*
 - (i) to deduct from grants payable to a board any amounts owing by the board in the nature of*
 - (A) fees payable to the Alberta School Trustees' Association, or*
 - (B) unpaid payments of principal and interest under debentures,*

53 Section 161 is amended by striking out “board that levies its own taxes pursuant to Division 5 of this Part” and substituting “collecting board under Division 5”.

54 Section 165(2) is repealed and the following is substituted:

(2) A collecting board shall only exercise the powers given by subsection (1) in accordance with a plebiscite conducted under Division 7 or as a municipality under Division 4.

and

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

(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) A 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 School Foundation Program Fund to,

a board of a separate school district unless the board of the separate school district passes a resolution referred to in section 158(7) stating that section 158 applies to that separate school district.

53 Section 161 presently reads:

161 For the purpose of this Division, a board that levies its own taxes pursuant to Division 5 of this Part is deemed to be both a board and a municipality.

54 Section 165 presently reads:

165(1) A collecting board

(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 Municipal Taxation Act and the Tax Recovery Act, and

(b) has and may exercise all the powers and duties of a municipality under this Act and the Municipal Government Act, but only to the extent that the power is not being exercised in the district by any other public authority.

(2) A collecting board that exercises any of the powers given by subsection (1)(b) shall

(a) prepare a separate budget in respect of those powers exercised,

(b) account separately for money received and expended for those purposes, and

55 Section 167(2) and (3) are repealed and the following is substituted:

(2) A board, with the prior approval of the Minister, may borrow to meet capital expenditures.

(3) The amount of any borrowing by a board under this section may be secured

(a) by a promissory note, or

(b) in any other manner.

(3.1) The Minister may make regulations respecting borrowing by a board under this section.

56 Sections 168 to 175 are repealed.

- (c) *indicate in its tax notices the portion of its taxation, in mills, that is levied in respect of those powers exercised.*

55 Section 167(2) and (3) presently read:

(2) A board, with the prior approval of the Minister, may borrow to meet capital expenditures other than by way of debenture under section 168.

(3) The amount of any borrowing by a board under this section may be secured

(a) by a charge

(i) on taxes levied or to be levied by the board,

(ii) on requisitions made or to be made by the board, or

(iii) on other money due or accruing due to the board,

(b) by a promissory note, or

(c) in any other manner.

56 Sections 168 to 175 presently read:

168(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) constructing, maintaining or providing services to a building,

(b.1) erecting, purchasing, relocating, renovating, adding to, extending, making structural changes in, furnishing or equipping a building other than a school building, 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 out in the by-law.

169(1) If a board

(a) has received a petition meeting the requirements of section 231 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 a copy of each request contained in the petition to the Minister within 5 days from the date on which the petition is received by the board, 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.

170(1) 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 approval of the Local Authorities Board, may authorize a change in any or all of the following:

(a) the mode of issue of the debentures;

(b) the place or places where they are payable;

(c) the manner of repayment as authorized by the Local Authorities Board;

(d) the rate or rates of interest, the period over which the indebtedness will be spread or the term at the end of which the indebtedness will be made payable, on all or any of the debentures and a corresponding change in the amount to be raised annually with respect to them.

(2) The by-law may also

(a) provide that the debentures shall be issued with interest coupons instead of amounts of combined principal and interest or vice versa,

(b) change the interest from annual to semi-annual or vice versa, or

(c) provide that the debentures may be issued in a different currency or may be in different amounts from those authorized by the original by-law.

(3) A board, without the assent of the electors but subject to the approval of the Local Authorities Board, may pass a by-law for the issue and sale of new debentures for the purpose of purchasing or

redeeming before maturity any or all outstanding debentures issued by it.

171(1) The Local Authorities Board may, on

- (a) receipt of the documents and information it requires, and*
- (b) being satisfied that the conditions prescribed 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.

172 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.*

173(1) On receiving authorization of the Local Authorities Board, a board shall 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 in a form approved by the Local Authorities Board,*
- (b) be sealed with the seal of the board, and*
- (c) 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.*

(4) Debentures may be issued either all at one time or in instalments at any times the board considers expedient and may be dated accordingly.

57 *The following is added after section 181:*

**Division 7
Special School Tax Levy**

Plebiscite

181.1(1) A board to which Division 4 applies, by resolution passed at a public meeting of the board at least 2 months before election day in a year in which a general election under the *Local Authorities Election Act*, may authorize the holding of a plebiscite to obtain the approval of the electors of the district or division respecting a special school tax levy under this Part.

(5) The signatures on debentures or on coupons attached to debentures may be reproduced by lithographing or printing or any other method of mechanical reproduction.

174(1) When a debenture is issued or authorized to be issued under the authority of the authorization referred to in section 173, 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.

175(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,

(a) the agreement is void, and

(b) any money paid under the agreement shall be repaid to the board.

(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.

(3) This section does not apply to any expenditure

(a) for the services of an architect engaged to make preliminary plans or to obtain and compile information necessary in the opinion of the board to enable it to make application to the Local Authorities Board,

(b) certified at any time by the Minister to require immediate attention, or

(c) approved pursuant to section 72(2) of the Local Authorities Board Act.

57 Special school tax levy and additional requisition.

(2) A board, not less than 90 days before the board intends to consider a resolution referred to in subsection (1), shall give public notice of its intention to consider the resolution.

(3) The question that the plebiscite shall determine shall be

(a) in accordance with the regulations, and

(b) included in the resolution.

(4) A board, by resolution, may withdraw a plebiscite authorized under subsection (1) at any time up to the date on which the plebiscite is to be held.

(5) The Lieutenant Governor in Council may make regulations

(a) respecting the information to be given to the public by a board before a plebiscite is held under this Part;

(b) respecting the question, any information or any other matter to be included in a ballot in a plebiscite under this Part;

(c) respecting the holding and conduct of a plebiscite generally under this Part.

Special school
tax levy

181.2(1) No special school tax levy shall be authorized by plebiscite if the amount to be raised by the special school tax levy in each year is more than 3% of the budget of the board for the year in which the resolution is passed.

(2) A special school tax levy may be approved by a plebiscite for a period of not more than the 3-year period ending on December 31 of the year of the next general election under the *Local Authorities Election Act* after the plebiscite.

(3) Money raised by a board by a special school tax levy shall be used for the purpose referred to in the resolution.

Assessment
and requisition

181.3(1) If a majority of the ballots cast at a plebiscite under this Part vote in favour of a special school tax levy, the board may requisition municipalities in accordance with Division 3.

(2) Subject to subsection (3), Division 2 applies to assessment in respect of a special school tax levy.

(3) Only property of a person or co-operative association that has given a written notice under section 135 is assessable in respect of a special school tax levy.

Plebiscite

181.4(1) A plebiscite under this Part shall be conducted in conjunction with the next general election under the *Local Authorities Election Act* after the resolution is passed under section 181.1.

(2) The *Local Authorities Election Act* and the regulations under it apply to the plebiscite except as otherwise provided by this Act or the regulations under this Act.

(3) The persons eligible to vote in a plebiscite are the persons eligible to vote at the general election for members of the board that passed the resolution.

(4) The secretary of the school board shall report the results of the plebiscite to the board as soon after they are known as practicable.

Hamlet

181.5(1) For the purpose of an additional requisition only, the Minister, on the petition of the residents of an area, may by order declare that area to be a hamlet.

(2) The Minister may

- (a) establish an additional requisition under this section,
- (b) determine the amount of the additional requisition to be made, and
- (c) designate the hamlet within which the assessment will be made.

(3) The Minister shall require the public school board of the district or division in which the hamlet is located to requisition the municipality under this Act in accordance with the order of the Minister and the regulations.

(4) A municipality shall assess the residents of the hamlet in accordance with the requisition, the order of the Minister and section 147.

(5) The board shall expend the amount raised under this section in accordance with the order of the Minister and the regulations.

(6) 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.

(7) An additional requisition established under this section may be increased or decreased by order of the Minister.

(8) The Minister may make regulations respecting additional requisitions under this section.

58 *Section 190 is amended*

(a) *by repealing subsection (1);*

(b) *by repealing subsection (2)(b).*

59 *Section 192(1) is repealed and the following is substituted:*

Approval of
project

192(1) When a school jurisdiction intends to carry out a school building project, that school jurisdiction must obtain the approvals required under the regulations from the School Buildings Board.

60 *The following is added after section 208.3:*

58 Section 190 presently reads in part:

190(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 the cost of that construction in whole or in part,

the school jurisdiction shall, before construction begins on the school building or addition, submit a copy of the plans respecting the area and capacity of the building or addition to the School Buildings Board.

59 Section 192(1) presently reads:

192(1) When a school jurisdiction intends to carry out a school building project

(a) the cost 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,

from funds available under the School Foundation Program Fund, that school jurisdiction must obtain the approvals required under the regulations from the School Buildings Board.

60 Regional divisions.

Lieutenant
Governor in
Council order

208.31(1) Notwithstanding sections 208.2 and 208.3 and the *County Act*, the Lieutenant Governor in Council may, by order, establish a regional division

- (a) consisting of 2 or more separate school districts or regional divisions that originally consisted of separate school districts, or
- (b) consisting of 2 or more public school districts, counties or divisions or other areas governed by boards that originally consisted of areas that are not referred to in clause (a).

(2) An order under subsection (1) may deal with any matter and include any term or condition that the Lieutenant Governor in Council considers necessary.

(3) An order under subsection (1) applies as if it were a regional agreement.

(4) Section 208.6(4) does not apply to a regional division established under subsection (1).

Counties

208.32 Notwithstanding the *County Act*, a regional agreement or an order under section 208.31 may provide for the subdivision of a county into 2 or more areas, one or more of which may be included as part of the regional division established by the Minister or the Lieutenant Governor in Council for school purposes.

61 Section 211 is amended by renumbering it as section 211(1) and by adding the following after subsection (1):

(2) If land in a dissolved district or division is added to another district or division under section 210, the Minister may

- (a) increase the number of trustees of the board of the district or division to which the land is added, and
- (b) appoint one or more persons as trustees to the board.

(3) A trustee appointed to a board under subsection (2) holds office until the first organizational meeting of the board held after the first general election held after the appointment.

(4) A board of a district or division referred to in subsection (2)(a) that has passed a by-law under section 225(1) shall

61 Section 211 presently reads:

211 The Minister may by order declare that any district or division is dissolved and on his so ordering

- (a) the board of the district or division 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.*

amend the by-law to provide for the representation of the area added to the district or division.

62 *The Schedule is repealed.*

63(1) *A school council established under section 17 of the Act as it read before this Act comes into force*

(a) shall continue as if section 17 were not repealed and replaced by this Act, and

(b) ceases to exist on June 30, 1994.

(2) If, on the date on which this Act comes into force, a municipality has recorded property as being assessable under Part 6

(a) for public school purposes, the property continues to be assessable for public school purposes, or

(b) for separate school purposes, the property continues to be assessable for separate school purposes,

until the municipality

(c) receives notice under section 135 in respect of the property, or

(d) is advised that ownership of the property has been transferred,

at which time the property is liable to assessment in accordance with the notice and Part 6.

(3) Notwithstanding any requisition made by a board of a district or division with respect to 1994, if the Lieutenant Governor in Council establishes rates under section 158 as amended by this Act in respect of that district or division, a municipality

(a) shall not pay the board in accordance with the requisition of the board,

(b) shall apply the rates in accordance with section 158 as amended, and

(c) shall deduct from the amount payable to the Alberta School Foundation Fund any amount paid by the municipality

62 The Schedule presently sets out forms to be used under provisions that have been repealed.

63 Transitional.

under a 1994 requisition to the board before this Act comes into force.

(4) The certification of a board to the Minister under section 158(7) as it read before this Act comes into force shall not operate as the certification of a board to the Minister under section 157.1(2) as it is enacted by this Act.

64 The County Act is amended by adding the following after section 5.1:

Change of
status

5.2(1) If all or part of a county is included in a regional division established under section 208.2 or 208.31 of the *School Act*, the Minister may, by order and on the request of the county council, change the status of the county to a municipal district.

(2) An order under subsection (1) may provide for any transitional matters that the Minister considers appropriate, including the dissolution of a board of education established under this Act.

(3) If the status of a county is changed to a municipal district,

(a) the municipal district is for all purposes a municipal district as though it had been formed by an order of the Lieutenant Governor in Council under the *Municipal Government Act*, and

(b) this Act, other than this section, does not apply to the municipal district.

(4) Notwithstanding that the status of a county has been changed to a municipal district, the Minister may permit the municipal district to retain its county name.

64 Consequential.