

1995 BILL 37

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 37

SCHOOL AMENDMENT ACT, 1995

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 37

1995

SCHOOL AMENDMENT ACT, 1995

(Assented to _____, 1995)

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

Amends SA
1988 cS-3.1

1 *The School Act is amended by this Act.*

2 *Section 2.1(1) is amended by striking out "160, 162, 167, 168, 170, 171 and 173 to 181" and substituting "162, 167 and 176 to 181".*

3 *Section 17 is amended*

(a) by repealing subsections (4) and (5) and substituting the following:

(4) A school council may, at its discretion,

- (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) consult with the principal so that the principal may ensure that students in the school have the opportunity to meet the standards of education set by the Minister,
- (d) consult with the principal so that the principal may 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 authorized under the regulations to do.

Explanatory Notes

- 1 Amends chapter S-3.1 of the Statutes of Alberta, 1988.
- 2 Consequential to repeal of certain sections.
- 3 Section 17(4) and (5) presently read:
 - (4) *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.*
 - (5) *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 (4) including but not limited to policies respecting*
 - (a) *the nature of the programs offered,*

(5) Subject to the regulations, a school council may make and implement policies in the school that the council considers necessary to carry out its functions.

(b) by adding the following after subsection (7):

(7.1) A board shall establish an appeal process or conflict resolution procedure under which the principal or the school council may apply respecting disputes on policies proposed or adopted for a school.

4 Section 22(1)(a) is amended by striking out “25(1)(d)” and substituting “25(1)(f)”.

5 Section 26.1 is repealed.

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

4 Amends a cross-reference.

5 Section 26.1 presently reads:

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*

6 *Section 34(1) is repealed and the following is substituted:*

Transportation

34(1) Subject to the regulations, a board 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

(a) at a distance from the site of that school to be determined by the regulations,

(b) within the attendance area established by the board under section 8, and

(c) within the boundaries of the district or division.

7 *Section 44(1)(b) is amended by adding “and school councils” after “employees”.*

(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,

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.

6 Section 34(1) presently reads:

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.

7 Section 44(1)(b) presently reads:

44(1) A board must

(b) in respect of its operations

(i) keep in force a policy or policies of insurance,

(ii) with the approval of the Minister, participate in an arrangement under Part 15 of the Insurance Act, or

(iii) with the approval of the Minister, participate in an alternative arrangement acceptable to the Minister,

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

(iv) damages for death or personal injury.

8 *Section 59(3) is repealed and the following is substituted:*

(3) An elector may not inspect a student record or information respecting a particular employee unless that information is included in financial statements of the board prepared under this or any other Act.

9 *The following is added after section 60.1:*

Accountability
of board

60.2(1) A board shall develop a reporting and accountability system on any matter the Minister prescribes.

(2) A board shall disseminate any information in the reports and accounts produced under the reporting and accountability system it develops under subsection (1) to students, parents, electors or the Minister in the manner the Minister prescribes.

(3) A board shall use any information in the reports and accounts produced under the reporting and accountability system it develops under subsection (1) in the manner the Minister prescribes.

10 *Section 90 is amended by renumbering it as section 90(1) and by adding the following after subsection (1):*

(2) Notwithstanding subsection (1), if a teacher or principal has been convicted of an indictable offence, a board may terminate the teacher's or principal's contract of employment or the designation made pursuant to section 14, 76 or 77 without prior notice

(a) on the conclusion of an appeal from the conviction or a proceeding to quash the conviction, or

(b) if no appeal is made and no proceeding is commenced, at the end of the period within which an appeal may be made or a proceeding commenced.

11 *Section 130 is amended*

(v) *damages to property, and*

(vi) *damages to property owned by the board in respect of which the board has an insurable interest*

(A) *that the board has agreed to insure, or*

(B) *for which the board otherwise has or may have assumed liability,*

in an amount and form prescribed by the Minister;

8 Section 59(3) presently reads:

(3) Subsection (1) does not apply to a student record or to contracts with or records of an individual employee.

9 Accountability of school boards.

10 Section 90 presently reads:

90 Subject to section 87(2), a notice of termination of a contract of employment or of a designation made pursuant to section 14, 76 or 77 shall not be given by a board or a teacher

(a) in the 30 days preceding, or

(b) during

a vacation period of 14 or more days' duration.

11 Section 130(1.1) and (3) presently read:

(a) by repealing subsection (1.1);

(b) by repealing subsection (3) and substituting the following:

(3) The Minister, on any conditions that the Minister prescribes,

(a) may permit a board, or

(b) may require a board

to use money referred to in subsections (1) and (2) for a particular capital purpose or a particular capital project whether or not the purpose or project is one for which the money was accumulated, received or acquired.

2 Section 132 is amended by adding the following after subsection (1):

(1.1) All property owned by an individual who is not referred to in subsection (1) is assessable for public school purposes.

13 Section 135 is amended

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

(1.1) An individual whose name is on a list given by a municipality to the board of a separate school district under section 134(8) is deemed to have given notice under subsection (1) that the property of the individual is assessable for separate school purposes.

(b) in subsection (4) by striking out “subsection (1)” and substituting “this section”;

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

(4.1) If a municipality does not receive a notice under 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, a form of notice under subsections (1) and (2), or

(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.

(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, received or acquired.

12 Section 132(1) 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.

13 Section 135(4) presently reads:

(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.

(b) if the transferee is a corporation or co-operative association, a form of notice under subsection (3.1).

14 Section 147(3) is amended

(a) in clause (a) by adding “in accordance with section 132 and any notice given under section 135” after “separate school district”;

(b) in clause (b) by adding “in accordance with section 132 and any notice given under section 135” after “public school district”.

15 The following is added after section 153:

Copy of
assessment
roll

153.1(1) Each municipality in which a board is included in whole or in part shall, at the request of and at the expense of the board, supply to the board a copy of the whole or any part of the assessment roll of the municipality.

(2) A board that receives a copy of the whole or any part of an assessment roll shall treat the information as being strictly confidential.

16 Section 167(6) is repealed.

17 Section 177 is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):

(b.1) the by-law has received the approval of the Minister.

14 Section 147(3) presently reads:

(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.

15 Requires a municipality to give boards access to the assessment roll.

16 Section 167(6) presently reads:

(6) Part 2 of the Local Authorities Board Act does not apply to borrowings under this section.

17 Section 177 presently reads:

177 Any debenture issued under this Act is valid and binding on a board notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the board in respect of it if

(a) the by-law has received the assent of the required number of electors voting on it, where their assent is required, and

(b) no successful application has been made to quash the by-law within 2 months from the date of its final passing.

18 Section 181.3(2) and (3) are repealed and the following is substituted:

(2) Subject to subsections (3) and (4), Divisions 2 and 3 apply to a special school tax levy.

(3) Only the property of an individual that is assessable for public school purposes under section 132 or of a corporation or co-operative association that has given notice under section 135 that all or a portion of its property is assessable for public school purposes is assessable for a special school tax levy by a board of a public school district or division.

(4) Only the property of an individual that is assessable for separate school purposes under a notice under section 135 or of a corporation or co-operative association that has given notice under section 135 that all or a portion of its property is assessable for separate school purposes is assessable for a special school tax levy by a board of a separate school district or division.

19 Section 185(1) is repealed and the following is substituted:

Buildings other
than school
buildings

185(1) When a board proposes to construct, purchase or lease a building other than a school building, the board shall give public notice of its intention to construct, purchase or lease the building if the estimated cost of the construction, the purchase price or the leasehold costs over the term of the lease exceed \$500 000.

20 Section 187(3) is amended by striking out “at fair market value”.

21 Section 195(2) is amended

(a) in clause (b) by striking out “subdivisions,” and substituting “wards, and”;

(b) in clause (c) by striking out “subdivision a number, and” and substituting “ward a number.”;

18 Section 181.3(2) and (3) presently read:

(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.

19 Section 185(1) presently reads:

185(1) When a board proposes to construct, purchase or lease a building, other than a school building, the board shall give public notice of its intention to construct, purchase or lease the building if the estimated cost of construction, the purchase price or the leasehold costs over the term of the lease exceed

(a) \$500 000, or

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

whichever is the lesser.

20 Section 187(3) presently reads:

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

21 Section 195(2) presently reads:

(2) The order establishing a school division shall

(a) give the school division a name and number in the following form:

The _____ School Division No. _____

(c) by repealing clause (d).

22 Section 197 is amended

(a) by repealing clause (c);

(b) by repealing clause (e) and substituting the following:

(e) redivide a school division into wards.

23 Section 208.3(6) is amended by striking out “A by-law” and substituting “Subject to section 225, a by-law”.

24 Section 208.4(4) is amended by striking out “A by-law” and substituting “Subject to section 225, a by-law”.

25 Section 209(1) is amended by striking out “subdivision” and substituting “ward”.

26 Section 218(2) and (3) are amended by striking out “subdivision” wherever it occurs and substituting “ward”.

27 Section 225 is amended

(a) in subsection (1) by striking out “A board” and substituting “The board of a district”;

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

- (b) divide the school division into no fewer than 3 subdivisions,*
- (c) give each subdivision a number, and*
- (d) state which public school districts are included in each subdivision of the newly constituted school division.*

22 Section 197 presently reads:

197 The Minister may, in respect of a school division,

- (a) include in an established school division one or more public school districts;*
- (b) transfer a public school district included in one school division to another school division;*
- (c) transfer a public school district from one subdivision to another;*
- (d) exclude from a school division any public school district included in it;*
- (e) re-subdivide a school division.*

23 Section 208.3(6) presently reads:

(6) A by-law made under subsection (3) may be amended by the board of the regional division if the amendment is required by the application of subsection (4).

24 Section 208.4(4) presently reads:

(4) A by-law made under subsection (2) may be amended by the board of the regional division if the amendment is required by the application of subsection (3).

25 Section 209(1) presently reads:

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

26 Section 218(2) and (3) presently read:

- (2) For each subdivision within a school division, the Minister shall specify the number of trustees to be elected in the subdivision.*
- (3) The Minister may vary the number of trustees to be elected for each division, district or subdivision.*

27 Section 225 presently reads in part:

- 225(1) A board, with the approval of the Minister, may by by-law*
- (a) provide for the nomination and election of trustees by wards and determine the boundaries of the wards, or*

(4.1) The board of a division, with the approval of the Minister, may by by-law amend or replace a by-law respecting the nomination and election of trustees by wards or electoral subdivisions, as the case may be.

(4.2) A by-law passed under subsection (4.1) or any by-law that amends or replaces it

(a) does not apply to the general election next following the passing of the by-law unless it is passed before March 1 in the year in which that general election is held, and

(b) does not apply to or affect the composition of the board until the date of the next general election to which the by-law applies.

(4.3) A by-law passed under this section shall, if practicable, provide that the number of trustees to be elected in each ward is in the same proportion to the total number of trustees of the board as the population of the ward is to the population of the district or division, as the case may be.

28 *Section 231 is amended by striking out “169 or”.*

29(1) *Section 67 of the School Amendment Act, 1994 is amended*

(a) *in subsection (1)(b) by striking out “June 30, 1995” and substituting “February 15, 1996”;*

(b) *by striking out all that portion of subsection (2) preceding clause (c) and substituting the following:*

(2) *For the purposes of the 1994 and subsequent taxation years*

(a) *property assessable on May 24, 1994 for separate school purposes under section 132, 133, 134, 135 or 136, as the relevant section read before May 25, 1994, continues to be assessable for separate school purposes, and*

(b) *all property of individuals that is not referred to in clause (a) and property of corporations and co-operative associations assessable under section 135 or 136, as the relevant section read before May 25, 1994, continues to be assessable for public school purposes,*

(b) provide for the election of trustees by the general vote of the electors.

(4) Subject to subsections (2) and (3), a by-law passed under subsection (1) or any by-law that amends, revokes or replaces it

(a) does not apply to the general election next following the passing of the by-law unless it is passed before March 1 in the year in which that general election is held, and

(b) does not apply to or affect the composition of the board until the date of the next general election to which the by-law applies.

28 Amends a cross-reference.

29 Section 67(1), (2) and (3) of the School Amendment Act, 1994 presently read:

67(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 when a school council is established for the school in accordance with regulations made under section 17 as it is enacted by this Act or on June 30, 1995, whichever occurs first.

(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

until the municipality

(c) by adding the following after subsection (3):

(3.1) An order of the Lieutenant Governor in Council referred to in subsection (3) respecting 1994 is deemed to apply from the beginning of the 1994 taxation year.

1) Subsection (1) is deemed to have come into force on May 25, 1994.

1(1) Section 6 comes into force on Proclamation.

) Section 11 is deemed to have come into force on February 15, 1994.

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

30 Coming into force.