

1997 BILL 1

Fifth Session, 23rd Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 1

SCHOOL AMENDMENT ACT, 1997

THE PREMIER

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 1

BILL 1

1997

SCHOOL AMENDMENT ACT, 1997

(Assented to , 1997)

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2 Section 19(5) is repealed and the following is substituted:

(5) On receiving a report from a principal pursuant to subsection (4), the board shall reinstate or expel the student within 10 school days from the date of the student's suspension.

3 The following is added after section 28:

Foreign
students

28.1 A board must enrol all individuals who are entitled to have access to an education program under section 3 in a school year before enrolling an individual who is not entitled to have access to an education program under section 3 in that school year.

4 Section 32(3) is repealed and the following is substituted:

(3) A tuition fee charged by a board under subsection (2)

Explanatory Notes

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

2 Section 19(4) and (5) presently read:

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

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

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

(5) On receiving a report from a principal pursuant to subsection (4), the board shall, within 10 school days from the first day of the suspension, reinstate or expel the student.

3 Foreign students.

4 Section 32 presently reads:

32(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.

- (a) in respect of an individual who is entitled to have access to an education program under section 3 shall not exceed the cost to the board of having that individual enrolled in a school operated by the board, or
- (b) in respect of an individual who is not entitled to have access to an education program under section 3 may exceed the cost to the board of having that individual enrolled in a school operated by the board.

(4) Notwithstanding subsection (1), the Minister may by order permit boards to enter into agreements with students under which

- (a) the student must pay a refundable amount to the board before beginning a high school credit course, and
- (b) the student must forfeit the amount paid to the board if the student does not complete the course to the satisfaction of the board.

5 Section 34(3) is amended by striking out “A board” and substituting “Subject to the regulations, a board”.

6 Section 40(2) is repealed and the following is substituted:

- (2) A board shall specify the vacation periods in a school

7 Section 61 is amended by adding the following after clause (b):

- (c) respecting the collection, use and disclosure of personal information.

(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 or any other board or the Government.

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

(a) repealed 1994 c29 s15,

(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 enrolled in a school operated by the board.

5 Section 34(3) presently reads:

(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).

6 Section 40(2) presently reads:

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

(a) a winter vacation that extends at least from December 24 to January 2, and

(b) the opportunity for each student to take 1 school vacation of at least 4 consecutive weeks' duration in each calendar year.

7 Section 61 presently reads:

61 The Minister may make regulations

(a) repealed 1990 c36 s22;

8 Section 75.1(1) is amended by adding the following after clause (a):

- (a.1) concerning the evaluation, competencies and practices of teachers;

9 Section 94 is amended

- (a) in subsection (1) by striking out “3” and substituting “5”;

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

(1.1) An appointment under subsection (1) must be in the form set by the Minister.

- (c) in subsection (5) by striking out “as required” and substituting “in the form set”.

10 Section 94.1 is amended

- (a) in subsection (1) by striking out “3” and substituting “5”;

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

(2) Not less than 6 months before a contract referred to in subsection (1) ends, a board shall give notice to the Minister in the form set by the Minister of its intention to reappoint the superintendent with the prior approval of the Minister.

- (c) in subsection (3) by striking out “3” and substituting “5”.

11 Section 105 is amended

- (a) in subsection (1) by adding “or the regulations” after “this Act”;

- (b) in subsection (2)(a) by striking out “as requested under section 104” and substituting “under subsection (1)”.

(b) governing the requirement of boards to

(i) acquire insurance, or

(ii) take part in schemes or arrangements to protect the board and its teachers and other employees with respect to loss or legal liability.

8 Section 75.1(1)(a) presently reads:

75.1(1) The Minister may make regulations

(a) concerning the certification of teachers and the cancellation and suspension of certificates;

9 Section 94(1) and (5) presently read:

94(1) Subject to the regulations, a board shall appoint an individual superintendent of schools for a period of not more than 3 years with the prior approval in writing of the Minister.

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

10 Section 94.1(1), (2) and (3) presently read:

94.1(1) A board shall not enter into a contract of employment or a contract renewing a contract of employment with an individual who is appointed as a superintendent under this section unless the contract includes a maximum term of not more than 3 years with no option to renew or extend the contract at the end of the term if the individual is not reappointed under this section.

(2) Not less than 3 months before a contract referred to in subsection (1) ends, a board may give notice to the Minister of its intention to reappoint the superintendent with the prior approval of the Minister.

(3) A reappointment of a superintendent shall be for a period of not more than 3 years.

11 Section 105 presently reads:

105(1) The Minister may review a matter as requested in accordance with this Act and may review the matter in any manner he considers appropriate in the circumstances.

(2) Where

Contents of financial statements and authority to disclose personal information

12 The following is added after section 126:

126.1(1) The financial statements referred to in section 126(2)(a) must include the following information in respect of the board:

- (a) the salary, the benefits and the allowances of the chairman, shown as separate figures;
- (b) the salary, the benefits and the allowances of the superintendent of schools appointed by the board, shown as separate figures;
- (c) the salary, the benefits and the allowances of the secretary-treasurer appointed by the board, shown as separate figures, or of the secretary and of the treasurer appointed by the board, as the case may be;
- (d) for each of the following groups, the sum of the salaries, the sum of the benefits and the sum of the allowances of all of the members within the group:
 - (i) members of the board other than the chairman;
 - (ii) teachers employed by the board;
 - (iii) non-teaching employees of the board.

(2) The board has the authority to disclose the information listed in subsection (1) notwithstanding any other Act or any provision of any agreement that purports to prohibit the disclosure of that information.

13 Section 130(3) is amended by adding “or for any other purpose or project” after “particular capital project”.

(a) the Minister reviews a matter as requested under section 104, and

(b) the parties to the dispute are unable to settle the matter, the Minister may, subject to this Act and the regulations, make whatever decision with respect to the matter in dispute that appears to him to be appropriate in the circumstances, and that decision is final.

12 Contents of financial statements and authority to disclose personal information.

13 Section 130(3) presently reads:

(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

14 Section 167(1) is repealed and the following is substituted:

Borrowing

167(1) A board may, without the prior approval of the Minister, borrow to meet current expenditures if the amount to be borrowed does not exceed the amount of the board's accounts receivable, as calculated on the immediately preceding August 31.

15 Section 181.1 is amended

(a) in subsection (1) by striking out “2 months” and substituting “60 days”;

(b) in subsection (2) by striking out “90 days” and substituting “60 days”.

16 Section 181.5(6) is amended by striking out “approved” and substituting “established”.

17 Section 223.4(1)(a)(v) is amended by striking out “nomination day” and substituting “election day”.

purpose or project is one for which the money was accumulated, received or acquired.

14 Section 167(1) presently reads:

167(1) A board may borrow to meet current expenditures if the borrowings are required to be repaid by August 31 of the fiscal year in which they are borrowed.

15 Section 181.1(1) and (2) presently read:

181.1(1) A board, 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 will be held 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.

(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.

16 Section 181.5(6) presently reads:

(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.

17 Section 223.4(1) presently reads:

223.4(1) For the purposes of this Act and the Local Authorities Election Act, an individual is eligible to vote in an election of members of a Regional authority if

(a) the individual

(i) is a Francophone,

(ii) has a child who is a student enrolled in a school operated by the Regional authority,

(iii) is 18 years of age or older,

(iv) is a Canadian citizen, and

(v) has been a resident of Alberta for the 6 consecutive months immediately preceding nomination day,

or

18 This Act comes into force on Proclamation.

(b) the individual is a member of a class of individuals prescribed by the Lieutenant Governor in Council as being eligible to vote.

18 Coming into force.