

1997 BILL 21

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 21

SCHOOL AMENDMENT ACT, 1997

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 21

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 18 is amended

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

(2) Subject to subsection (3), the following persons may review the student record maintained in respect of a student:

- (a) the student;
- (b) the student's parent, except where the student is an independent student;
- (c) a person who has access to the student under a separation agreement or an order of a court.

(2.1) A person who is entitled to review a student record under subsection (2) may request a copy of the student record from the board, and the secretary of the board shall provide, or on request shall send, the copy to the person on receiving payment for it at the rate prescribed by the board.

(b) in subsection (3) by striking out “, subject to subsection (4),”;

(c) by repealing subsection (4);

(d) by repealing subsection (5) and substituting the following:

Explanatory Notes

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

2 Section 18(1) to (5) presently read:

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

(2) Subject to subsection (3),

(a) if a student is younger than 16 years of age, his parent,

(b) if a student is 16 years of age or older, the student, his parent or both of them, or

(c) if an individual has access to the student under an order made under the Divorce Act (Canada), that individual

may review the student record maintained in respect of that student.

(3) Where a student record contains

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

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

the individuals referred to in subsection (2) are entitled, subject to subsection (4),

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

(5) If a person reviewing a student record referred to in subsection (3) so requests, the board shall ensure that a person who is competent to explain and interpret the test, test result, evaluation or information is available to explain and interpret that test, test result, evaluation or information.

3 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.

4 Section 22(1)(d) is repealed and the following is substituted:

(d) the building that is used for school purposes meets and will continue to meet all applicable local and provincial health, safety and building standards.

5 Section 24(2) is repealed and the following is substituted:

(2) A person or board that provides an early childhood services program may charge fees in respect of the program from the parent of a child referred to in subsection (1)(a) who attends the program.

6 Section 27(2) is repealed and the following is substituted:

(2) For the purposes of this section and section 34,

(d) to receive from a person who is competent to explain and interpret it an explanation and interpretation of the test, test result, evaluation or information.

(4) An individual referred to in subsection (2) is entitled to review the test, test result, evaluation or information referred to in subsection (3) only at a time when a person who is competent to explain and interpret the test, test result, evaluation or information is available to provide him with an explanation and interpretation of that test, test result, evaluation or information.

(5) A board, as soon as practicable after it receives a request from an individual referred to in subsection (2) for an opportunity to review a record to which subsection (3) applies, shall ensure that a person who is competent to explain and interpret the test, test result, evaluation or information is available to provide an explanation and interpretation of that test, test result, evaluation or information.

3 Section 19(5) presently reads:

(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.

4 Section 22(1) presently reads:

22(1) A school is entitled to be registered as a private school if the operator applies to the Minister and the Minister is satisfied that

(a) the school will provide a program of studies that complies with any orders made under section 25(1)(f),

(b) the school will meet the standards of student achievement and achievement testing acceptable to the Minister,

(c) the operator agrees to regular evaluation and monitoring by the Minister, and

(d) the school meets and will continue to meet all local and provincial health, safety and building standards.

5 Section 24(2) presently reads:

(2) A person or board that provides early childhood services may charge the parent of a child referred to in subsection (1)(a) who is attending the program fees in respect of the program.

6 Section 27(2) presently reads:

(2) For the purposes of this section and section 34 but subject to subsection (5), a student who is in the care of a foster parent under

- (a) a student who is in the care of a foster parent under the *Child Welfare Act* is deemed to be a resident student of the board of the district or division in which the foster parent resides, unless subsection (5) applies, and
- (b) a student who is a handicapped child and the subject of an agreement under section 72 of the *Child Welfare Act* is deemed to be a resident student of the board of the district or division in which the student resides.

7 Section 28 is amended by adding the following after subsection (3):

(3.1) Notwithstanding subsection (3), a board may direct a student who requests enrolment in a senior high school program beyond a third school year to attend a school designated by the board.

8 The following is added after section 28:

Foreign
students

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

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

- (3) A tuition fee charged by a board under subsection (2)
 - (a) in respect of an individual who is entitled under section 3 to have access to an education program must not exceed the cost to the board of having that individual enrolled in a school operated by the board, and
 - (b) in respect of an individual who is not entitled under section 3 to have access to an education program 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

the Child Welfare Act is deemed to be a resident student of the board of the district or division in which the foster parent resides.

7 Section 28(3) presently reads:

(3) A board shall enroll a resident student of the board or of another board in the school operated by the board that is requested by the 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.

8 Foreign students.

9 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.

(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.

- (a) authorize boards to enter into an agreement with an independent student, or the parent of a student other than an independent student, requiring the student or parent to pay a refundable deposit to the board where the student has failed to complete a high school credit course and is repeating the course,
- (b) prescribe the circumstances under which a deposit is payable and the circumstances under which all or part of the deposit may be refunded, and
- (c) prescribe the amount of a deposit or the manner in which the amount is determined.

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

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

- (2) A board shall specify the vacation periods in a school year, which shall, as a minimum, include a vacation period that extends at least from December 24 to January 2.

12 Section 42 is repealed and the following is substituted:

Closure of schools, etc.

42 The Minister may make regulations

- (a) authorizing a board to
 - (i) close a school permanently or for a specified period of time,
 - (ii) close entirely 3 or more consecutive grades in an elementary school,
 - (iii) close the entire junior high school program or the entire high school program in a school, or

10 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).

11 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.

12 Section 42 presently reads:

42 A board may, with the approval of the Minister, do the following:

(a) close a school permanently or for a specified period of time;

(b) close entirely 3 consecutive grades in an elementary school;

(c) close the entire junior high school program or the entire senior high school program in any school;

(d) transfer all students from one school to one or more other schools.

- (iv) transfer all students from one school to one or more other schools;
- (b) governing procedural and other requirements a board must comply with when doing anything described in clause (a).

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

- (c) respecting the collection, use, disclosure, disposal and destruction of personal information within the meaning of the *Freedom of Information and Protection of Privacy Act* by the Minister, a board or an operator of a charter school.

14 Section 75.1(1) is repealed and the following is substituted:

Regulations

75.1(1) The Minister may make regulations

- (a) governing the issuing of certificates of qualification to teachers, including, without limitation, regulations
 - (i) providing for the issuance of different classes of certificates;
 - (ii) providing for the form and manner of application for a certificate and the information to be provided with or in support of an application;
 - (iii) respecting education, training and experience, character and other eligibility requirements of applicants for certificates;
 - (iv) authorizing the issuance of certificates subject to terms and conditions;
 - (v) providing for procedural matters related to the issuance of certificates, including the appointment of advisory bodies;

13 Section 61 presently reads:

61 The Minister may make regulations

- (a) repealed 1990 c36 s22;*
- (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.**

14 Section 75.1(1) presently reads:

75.1(1) The Minister may make regulations

- (a) concerning the certification of teachers and the cancellation and suspension of certificates;*
- (b) prescribing fees payable in respect of the evaluation of qualifications for the certification of teachers;*
- (c) providing for a refund of all or part of a fee paid in respect of the evaluation of qualifications for the certification of teachers;*
- (d) concerning the certification and special requirements of teachers and the cancellation and suspension of certificates of teachers who are involved in early childhood services programs;*
- (e) concerning the qualifications of persons who may act as instructional assistants and aides in institutions offering early childhood services programs.*

- (b) governing appeals from a decision to refuse to issue a certificate, including, without limitation, regulations
 - (i) respecting the grounds on which an appeal may be made;
 - (ii) providing for the establishment of appeal panels and setting out their powers and duties;
 - (iii) providing for procedural and evidentiary matters related to the appeal process;
 - (iv) authorizing the Minister to accept, reject or vary the recommendations of an appeal panel and authorizing the Minister to take any action necessary to implement the Minister's decision;
 - (v) respecting the responsibility of the parties to an appeal for costs in respect of the appeal;
- (c) providing for the means of dealing with allegations that a teacher is unskilled or incompetent in teaching or for the means of dealing with complaints about alleged unprofessional conduct of a teacher (other than a teacher to whom the *Teaching Profession Act* applies) including, without limitation, regulations
 - (i) governing what constitutes unprofessional conduct or unskilled or incompetent teaching;
 - (ii) respecting the form and manner in which a complaint or allegation is to be made;
 - (iii) authorizing a complaint or allegation to be dealt with despite the fact that the individual who is the subject of the complaint or allegation may no longer hold a certificate under this Act, and respecting the circumstances under which such a complaint or allegation may be dealt with;
 - (iv) respecting the investigation of complaints and allegations and the powers and duties of the person conducting the investigation or receiving the report of the person conducting the investigation, as the case may be;
 - (v) providing for the establishment of panels to deal with complaints and allegations and respecting the powers and duties of such panels;

- (vi) respecting procedural and evidentiary matters in respect of the investigation of complaints and allegations and in respect of the business of the panels, including, without limitation, regulations
 - (A) providing for the taking of evidence under oath,
 - (B) providing for the compellability of witnesses,
 - (C) requiring persons to produce records and documents relevant to the subject-matter of a complaint or investigation, and
 - (D) authorizing proceedings for civil contempt of court to be brought against a person who fails to comply with a notice to attend a proceeding before a panel as a witness or a notice to produce records or documents, or who refuses to be sworn or to answer questions at a proceeding before a panel;
- (vii) authorizing a person conducting an investigation of a complaint or allegation to investigate any other matter related to the conduct of the individual who is the subject of the complaint or allegation that arises in the course of the investigation;
- (viii) authorizing the Minister, on receipt of a panel's recommendation, to do one or more of the following, whether or not that is the panel's recommendation:
 - (A) dismiss the complaint or allegation;
 - (B) serve a letter of reprimand on the individual who is the subject of the complaint or allegation;
 - (C) suspend the certificate of the individual who is the subject of the complaint or allegation, with or without conditions;
 - (D) cancel the certificate of the individual who is the subject of the complaint or allegation, or cancel the certificate and issue a certificate of a different class;

- (E) order that the individual who is the subject of the complaint or allegation be ineligible for a certificate for a definite or indefinite time, with or without conditions;
- (d) respecting the responsibility of the parties to a proceeding in respect of a complaint or allegation referred to in clause (c) for costs in respect of the proceeding;
- (e) authorizing the Minister to accept, reject or vary the recommendations of a hearing committee or Appeal Committee under the *Teaching Profession Act* to cancel or suspend a certificate, and authorizing the Minister to take any action necessary to implement the Minister's decision;
- (f) governing the publication of particulars regarding any recommendation or decision made in proceedings in respect of a complaint or allegation referred to in clause (c) or in proceedings under sections 16 to 64 of the *Teaching Profession Act*;
- (g) authorizing the Minister to appoint a Registrar and other officials for the purposes of carrying out powers and duties under the regulations;
- (h) requiring the Registrar to keep registers and records and respecting the information that is to be kept in the registers and records;
- (i) respecting, authorizing and prohibiting the release of information in the Registrar's registers and records;
- (j) authorizing the Registrar to delegate to any employee under the Minister's administration powers or duties of the Registrar that are specified in the regulations;
- (k) requiring the payment of fees in respect of any matter provided for under the regulations, including prescribing the amount of the fee or the manner in which and by whom the amount is determined and who must pay it;
- (l) providing for the service of notices and documents in respect of matters and proceedings dealt with in the regulations.

15 Section 94 is amended

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

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

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

(1.1) Where a board applies for the Minister’s approval under subsection (1), it shall give to the Minister, in the form and containing the information required by the Minister, notice of its intention to appoint the superintendent.

(c) in subsection (5) by striking out “as required by the Minister”;

(d) by adding the following after subsection (5):

(6) A report required under subsection (5) must be in the form and contain the information required by the Minister.

16 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) If a board intends to reappoint a superintendent named in a contract referred to in subsection (1), the board shall, not less than 6 months before the contract ends, give to the Minister, in the form and containing the information required by the Minister, notice of its intention to reappoint the superintendent.

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

17 Section 95 is amended by adding “, appointment and conditions of employment and termination of employment” after “qualifications”.

18 Section 105 is amended

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

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

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.

16 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.

17 Section 95 presently reads:

95 The Minister may make regulations governing the qualifications of superintendents of schools.

18 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

19 Section 114 is repealed and the following is substituted:

Appeal

114(1) In this section, “teacher” means a teacher for whom an organization representing teachers carries on collective bargaining and a teacher in a charter school.

(2) Except where this Act prohibits an appeal, if a disagreement arises between a board and a teacher with respect to

- (a) a termination of a contract of employment,
- (b) a suspension of the teacher,
- (c) a termination of a designation of a teacher, or
- (d) the refusal of a board to give an approval pursuant to section 89(2),

the board or the teacher may appeal the matter by sending the Minister a notice of appeal in accordance with section 115.

20 The following is added after section 126:

Contents of financial statements and authority to disclose personal information

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 remuneration, the benefits, the allowances and the expenses paid to or on behalf of the members of the board, each shown as a separate figure and shown separately for each member;
- (b) the remuneration, the benefits, the allowances, the expenses and the performance bonuses and other monetary incentives paid to or on behalf of the superintendent of schools appointed by the board, each shown as a separate figure;
- (c) the remuneration, the benefits, the allowances, the expenses and the performance bonuses and other monetary incentives paid to or on behalf of the secretary-treasurer or the secretary and the treasurer

(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.

19 Section 114 presently reads:

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

(a) a termination of a contract of employment,

(b) a suspension of the teacher,

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

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

the board or the teacher may appeal the matter by sending the Minister a notice of appeal in accordance with section 115.

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

appointed by the board, as the case may be, each shown as a separate figure;

(d) the total of the remuneration, the total of the benefits and the total of the allowances paid to or on behalf of the persons in each of the following groups:

(i) teachers employed by the board;

(ii) 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.

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

22 Section 159.1 is amended by adding the following after subsection (1):

(1.1) The Minister shall not make a payment from the Alberta School Foundation Fund to any person other than a board except

(a) when section 158(8) applies, or

(b) when a payment to the General Revenue Fund is required to repay advances made from that Fund to the Alberta School Foundation Fund, and in that case, interest may also be paid from the Alberta School Foundation Fund to the General Revenue Fund.

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

22 Section 159.1 presently reads:

159.1(1) Subject to regulations made under subsection (7), the Minister shall make payments from the Alberta School Foundation Fund to all boards, whether or not the board has a subsisting resolution that this Division does not apply to it.

(2) In this section, "amount per student" with respect to a board means the amount obtained when

(a) the total amount received by the board pursuant to a payment from the Alberta School Foundation Fund and a requisition under section 150, other than pursuant to a special school tax levy or an additional requisition under Division 7,

is divided by

(b) the number of eligible students enrolled in schools operated by the board.

23 Section 159.2 is repealed.

(3) The Minister shall calculate the amount to be paid from the Alberta School Foundation Fund to all boards in such a way that the payment for a school year to one board is consistent with the principle that each board is entitled to receive the same amount per student for the school year.

(4) If a separate school district or division to which Division 4 does not apply receives from municipalities requisitioned by the board an amount per student for a school year that is greater than the amount per student for the school year used by the Minister to calculate payments from the Alberta School Foundation Fund under subsection (3) and subject to the rights under the Constitution of Canada of separate school electors, the board of that district or division shall pay the difference between the amounts into the Alberta School Foundation Fund.

(5) The receipt of money from the Alberta School Foundation Fund does not make this Division apply to a board of a separate school district or division that has a subsisting resolution certifying that this Division does not apply to it.

(6) Subsections (3) and (4) apply to the school year commencing after July 31, 1995 and subsequent school years.

(7) 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.

23 Section 159.2 presently reads:

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.

(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.

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

Borrowing

167(1) A board may borrow to meet current expenditures, but a board shall not, without the prior written approval of the Minister, borrow to meet current expenditures if the aggregate of the amount to be borrowed and the total amount owing under previous borrowings under this subsection would exceed the amount of the board's accounts receivable, as shown in the most recent audited financial statements for the board prepared pursuant to this Act.

25 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”.**

26 Section 204 is amended

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

(1.1) A separate school elector who wishes to take part in and vote at the meeting shall sign in the presence of 2 of the persons referred to in section 201(2)(a) a declaration in the form prescribed by the Minister stating that the elector is a separate school elector.

- (b) by repealing subsections (4) and (5);**
- (c) in subsection (6) by striking out “subsection (5)” and substituting “subsection (1.1)”;**
- (d) by repealing subsection (8) and substituting the following:**

(8) The chairman shall vote on each question at the meeting.

(8.1) Each question at the meeting shall be decided by a majority of the votes validly cast, and in the case of an equality of votes, the question shall be decided in the negative.

24 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.

25 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.

26 Section 204 presently reads in part:

204(1) The quorum for a meeting is 25% of the separate school electors.

(4) The chairman, on his election, shall sign a declaration in the form prescribed by the Minister stating that he is a separate school elector.

(5) After the election of a chairman, a separate school elector wishing to take part in the meeting and the vote shall sign in the presence of the chairman and the secretary of the meeting a declaration in the form prescribed by the Minister stating that he is a separate school elector.

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

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

(9) At the meeting, the chairman, after the signing of the declarations referred to in subsections (4) and (5), shall provide a

(8.2) Subject to subsection (11), voting may be carried out by a show of hands or by poll.

(e) **in subsection (9) by striking out** “declarations referred to in subsections (4) and (5)” **and substituting** “declaration referred to in subsection (1.1)”.

27 Section 208.4(1) is repealed and the following is substituted:

Election of trustees

208.4(1) In a regional division,

- (a) subject to clause (b), each of the districts, divisions or other areas governed by a board before the regional division was established is one ward in the regional division, and
- (b) where any of the districts, divisions or other areas governed by a board before the regional division was established consisted of wards, each of those wards is one ward in the regional division.

28 Section 208.7(6) is repealed.

29 The following is added after section 208.7:

Conversion of regional division to school division

208.8(1) The board of a regional division composed wholly of one or more public divisions or public school districts may by by-law request the Minister to convert the regional division to a school division.

(2) On receipt of a by-law under subsection (1) the Minister may establish the regional division as a school division in accordance with section 195.

(3) When a school division is established by reason of the operation of subsection (2),

- (a) the board of the regional division is dissolved,
- (b) all assets and liabilities of the board of the regional division are transferred to the board of the school division, and

period of time for questions and discussion with respect to the proposed establishment of the separate school district.

(10) Immediately after the period for questions and discussion, but not later than 180 minutes after the opening of the meeting, the chairman shall, if there is a quorum present, proceed to take a poll of the votes of the separate school electors for and against the establishment of the separate school district.

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

27 Section 208.4(1) presently reads:

208.4(1) In a regional division, each of the districts, divisions or other areas governed by a board before the regional division is established is one ward in the regional division.

28 Section 208.7(6) presently reads:

(6) Despite the repeal of section 208.4(5), a by-law passed under that subsection before the repeal date is continued, and the council of the municipal district that was formerly the county that passed the by-law may amend, repeal or replace the by-law.

29 Conversion of regional division to school division.

- (c) all employees of the board of the regional division become employees of the school division.

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

31 Section 225(4.1) is repealed and the following is substituted:

(4.1) The board of a division, with the approval of the Minister, may by by-law

- (a) amend or replace a by-law providing for the nomination and election of trustees by wards or electoral subdivisions, as the case may be, or
- (b) provide for the nomination and election of trustees by wards or electoral subdivisions, as the case may be.

32 Section 12 comes into force on Proclamation.

30 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

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

31 Section 225(4.1) presently reads:

(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.

32 Coming into force.