

1998 BILL 3

Second Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 3

SCHOOL AMENDMENT ACT, 1998

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 3

1998

SCHOOL AMENDMENT ACT, 1998

(Assented to _____, 1998)

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2 Section 37 is repealed and the following is substituted:

Off-campus
education
programs

37(1) A board may provide off-campus education programs for its students.

(2) Subject to the regulations, a board may enter into an agreement with a person to provide a workplace for students who are participating in an off-campus education program.

(3) When a student wishes to participate in an off-campus education program, the board shall obtain the consent of the student's parent or, if the student is 16 years of age or older, the student.

(4) A student who is participating in an off-campus education program is considered to be attending school while at the workplace provided for the program.

3 Section 208.31(4) is amended by striking out "Section 208.6(4)" and substituting "Sections 208.6 to 208.67".

4 Section 208.6 is repealed and the following is substituted:

Explanatory Notes

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

2 Section 37 presently reads:

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

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

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

(a) the student's parent or, in the case of a student who is 16 years of age or older, the student, and

(b) the Minister.

(4) For the purposes of section 8, a place of work or facility shall be deemed to be a school during the time the student is in the place or facility under the work experience program.

3 Section 208.31(4) presently reads:

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

4 Section 208.6 presently reads:

208.6(1) Not less than 4 years after the establishment of a regional division, the electors residing in a ward in the regional division may

Petition for plebiscite to withdraw ward from regional division

208.6(1) Not less than 4 years after the establishment of a regional division, the electors residing in a ward in the regional division may, for the purpose set out in subsection (2), petition the board of the regional division to provide for a plebiscite to determine whether the ward should be withdrawn from the regional division.

(2) When a ward is withdrawn from a regional division as a result of a successful plebiscite, all land in the ward must be added to a district or division in accordance with section 208.64 or 208.65.

(3) The petition must be signed in accordance with the regulations and forwarded to the secretary of the board, and a copy of the petition must be forwarded to the Minister.

(4) If the petition complies with subsections (1) and (3) and is determined under Part 9 to be a sufficient petition, the board shall

- (a) provide for a plebiscite to be conducted in the ward at the next general election in accordance with the regulations, and
- (b) specify the questions, in accordance with the regulations, that are to be determined by the plebiscite.

Elected ward representatives

208.61(1) The plebiscite must provide for the election of 3 individuals

- (a) who are residents of the ward, and
- (b) each of whom has been nominated by at least 5 individuals who are eligible to vote in the ward

to represent the ward pursuant to section 208.63.

(2) The elected ward representatives shall make decisions on the basis of a majority vote.

(3) The board of the original regional division shall pay reasonable expenses to the elected ward representatives to enable them to carry out their duties.

(4) In this section and in sections 208.62 to 208.66, “original regional division” means the regional division that a ward is part of at the time the electors in that ward present a petition under section 208.6(1).

petition the Minister to provide for a plebiscite to determine whether or not the ward should be withdrawn from the regional division and the regional agreement should cease to apply to it.

(2) A petition under subsection (1) must be signed in accordance with the regulations.

(3) The Minister, on receipt of a petition under subsection (1), shall

(a) if the petition complies with subsections (1) and (2), provide for a plebiscite to be conducted at the next general election, and

(b) specify the question that the plebiscite shall determine.

(4) If the majority of the electors residing in the ward who vote in the plebiscite vote in favour of withdrawing from the regional division, the Minister shall by order

(a) take the area in the ward out of the regional division,

(b) re-establish the area that constituted the ward as a district, division or other area, as the case may be,

(c) establish a board of trustees for the district, division or other area, as the case may be, and

(d) deal with any matter respecting the regional division and the newly established district, division or other area, as the case may be, that the Minister considers necessary.

(4.1) Subsection (4)(b) and (c) do not apply to a ward if the area of the ward to be withdrawn from the regional division is the Town of Devon or a municipal district that was formerly a county.

(5) If the majority of the electors residing in the ward who vote in the plebiscite do not vote in favour of withdrawing from the regional division, no petition on the same matter in the same ward may be given to the Minister until 6 years after the date on which the Minister received the petition under subsection (1) that initiated the plebiscite.

(6) The Minister may make regulations respecting petitions under this section.

Vote against
withdrawal of
ward

208.62 If a majority of the electors who vote in the plebiscite do not vote in favour of withdrawing the ward from the original regional division,

- (a) the ward must remain within the original regional division, and
- (b) no further petition relating to the withdrawal of that ward may be presented under section 208.6(1) until after the expiry of 6 years following the date on which the board received the petition that initiated the plebiscite.

Vote in favour
of withdrawal
of ward

208.63(1) If a majority of the electors who vote in the plebiscite vote in favour of withdrawing the ward from the original regional division, the elected ward representatives shall negotiate with the board of a district or division for the purpose of adding all land in the ward to that district or division in accordance with section 208.64 or 208.65.

(2) Where the negotiations are with the board of a regional division, the elected ward representatives may enter into the agreement referred to in section 208.64 on behalf of the board of the original regional division.

Addition of
ward to
another
regional
division

208.64(1) If as a result of negotiations an agreement has been entered into relating to the addition of the ward to a regional division and the regional division proposed as the recipient of the ward has passed a resolution approving the addition of the ward to that regional division, the Minister shall, by order,

- (a) take all land in the ward out of the original regional division,
- (b) add all land in the ward to the regional division proposed as the recipient of the ward,
- (c) if requested, provide that the ward continues to have the status of a ward,
- (d) if necessary, vary in accordance with the principle set out in section 208.4(3), the number of trustees to be elected for the whole of the regional division and appoint additional interim trustees to represent the ward, who hold office until the first organizational meeting of the board of the regional division held after the first general election following their appointment, and

- (e) deal with any other matter that the Minister considers necessary respecting or resulting from the addition of the ward to the regional division.

(2) The addition of a ward to a regional division under subsection (1) takes effect on September 1 of the year following the year in which the plebiscite is held unless the Minister orders otherwise.

Addition of ward to district or school division

208.65(1) If as a result of negotiations the elected ward representatives request the Minister to add the ward to a district or school division and the district or school division proposed as the recipient of the ward has passed a resolution approving the addition of the ward to that district or school division, the Minister shall, by order,

- (a) take all land in the ward out of the original regional division,
- (b) add all land in the ward to the district or school division proposed as the recipient of the ward,
- (c) if the Minister considers it appropriate, appoint additional interim trustees to represent the ward, who hold office until the first organizational meeting of the board of the district or school division held after the first general election following their appointment, and
- (d) deal with any other matter that the Minister considers necessary respecting or resulting from the addition of the ward to the district or school division.

(2) The addition of a ward to a district or school division under subsection (1) takes effect on September 1 of the year following the year in which the plebiscite is held unless the Minister orders otherwise.

Failure of negotiations

208.66 If by April 30 of the year following the year in which the plebiscite is held the elected ward representatives

- (a) in a case to which section 208.64 applies, fail to provide a copy of the signed agreement and a copy of the resolution to the Minister, or
- (b) in a case to which section 208.65 applies, fail to make the request to the Minister and to provide a copy of the resolution to the Minister,

then

- (c) the ward must remain within the original regional division, and
- (d) no further petition relating to the withdrawal of that ward may be presented under section 208.6(1) until after the expiry of 6 years following the date on which the board received the petition that initiated the plebiscite.

Regulations

208.67 The Minister may make regulations respecting petitions and plebiscites for the purposes of sections 208.6 to 208.66.

5 Section 208.8 is amended

(a) in subsection (1) by striking out “or public school districts” and substituting “, public school districts or areas that were defined as counties in the *County Act*, RSA 1980 cC-27,”;

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

(4) The Minister shall appoint the first trustees for each of the wards into which the school division is divided.

(5) The trustees appointed under subsection (4) hold office until the first organizational meeting of the board of the school division held after the first general election following the establishment of the school division.

5 Section 208.8 presently reads:

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

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