

2001 BILL 16

---

First Session, 25th Legislature, 50 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 16

SCHOOL AMENDMENT ACT, 2001

---

THE MINISTER OF LEARNING

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

## BILL 16

2001

### SCHOOL AMENDMENT ACT, 2001

(Assented to \_\_\_\_\_, 2001)

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 The preamble is amended**

- (a) in the 3rd recital by adding “guaranteed” before “under” and by adding “preserved and” before “maintained”;
- (b) by adding “and” at the end of the 4th recital and by adding the following after the 4th recital:

WHEREAS the Regional authority of a Francophone Education Region has a unique responsibility and the authority to ensure that both minority language educational rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region; and

WHEREAS the Government of Alberta affirms its commitment to the preservation and continuation of its one publicly funded system of education through its two dimensions: the public schools and the separate schools;

**3 Section 1(1) is amended**

- (a) by repealing clause (b.1);
- (b) in clause (o.1) by adding “, except in Division 2.01 of Part 8,” before “means”.

## Explanatory Notes

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

**2** The 3rd recital presently reads:

*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 in such a way that the rights under the Constitution of Canada of separate school electors are maintained; and*

**3** Section 1(1) presently reads in part:

*1(1) In this Act,*

*(b.1) “co-ordinating council” means a co-ordinating council of a Francophone Education Region;*

**4 Section 5(2)(b) is repealed.**

**5 Section 24.1 is amended**

**(a) in subsection (1) by striking out “a board or”;**

**(b) in subsection (2) by striking out “the charter school” and substituting “an alternative program under section 16”.**

**6 Section 24.2 is repealed and the following is substituted:**

Charter  
schools

**24.2** The Minister may establish a charter school if the Minister is of the opinion that

- (a) the school will have significant support from the community in which it is to be located,
- (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, and
- (c) the program to be offered by the school is not already being offered by the board of the public school district or division or the board of the separate school district or regional division made up only of separate school districts, as the case may be, in which the school will be located.

**7 Section 24.21 is amended by striking out “a board or”.**

*(o.1) "Region" means a Francophone Education Region established pursuant to this Act;*

**4** Section 5(2)(b) presently reads:

*(2) The Lieutenant Governor in Council may make regulations  
(b) respecting co-ordinating councils;*

**5** Section 24.1 presently reads in part:

*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 or a company registered under Part 9 of the Companies 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.*

**6** Section 24.2 presently reads:

*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.*

**7** Section 24.21 presently reads:

*24.21 The operator of a charter school established by a board or the Minister must restrict its purposes to the operation of that charter school.*

**8 The following is added after section 24.21:**

Transitional

**24.22(1)** In this section, “amending Act” means the *School Amendment Act, 2001*.

(2) A charter school established by a board before the coming into force of section 7 of the amending Act is deemed to be established by the Minister.

**9 Section 24.3 is amended**

(a) **in subsection (2) by striking out** “, company or Provincial Corporation” **and substituting** “or company”;

(b) **by repealing subsection (5).**

**10 Section 24.4 is repealed and the following is substituted:**

Charter

**24.4** A charter must include the following:

- (a) the particular teaching philosophy, vision and purpose of the school with the goals of the school written as measurable outcomes;
- (b) a description of the improved student learning outcomes to be attained by the students;
- (c) the period during which the school is to operate;
- (d) the name of the society or company that is to operate the school;
- (e) a description of the students for whom the school is intended;
- (f) the grades to be offered at the school;
- (g) any other matter required by the regulations or the Minister.

**11 Section 24.5(1) is amended by striking out** “person or society” **wherever it occurs and substituting** “society or company”.

**8** Transitional provision.

**9** Section 24.3(2) and (5) presently read:

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

*(5) Notwithstanding subsection (4), a charter school may be affiliated with the faith of those who established the separate school district, whether Protestant or Roman Catholic, in the area in which the charter school is located.*

**10** Section 24.4 presently reads:

*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.*

**11** Section 24.5(1) presently reads in part:

*24.5(1) The following provisions and any regulations made under them apply to a charter school and its operation, and a reference in*

**12 Section 24.6(c) is amended by striking out “person or society” and substituting “society or company”.**

**13 Section 27 is amended**

**(a) by repealing subsection (4) and substituting the following:**

**(4)** Where a separate school district or a regional division made up only of separate school districts is established, an individual residing within the boundaries of the separate school district or regional division, as the case may be, who is of the same faith as those who established the separate school district or the separate school districts of the regional division, whether Protestant or Roman Catholic, may elect in a form prescribed by the Minister to be a resident

(a) of the separate school district or regional division made up only of separate school districts, as the case may be, or

(b) of the public school district or division, as the case may be.

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

**(4.1)** An election made under subsection (4) must remain in effect during the school year in respect of which it is made.

**14 The following is added after section 27:**

Transitional

**27.1(1)** In this section, “amending Act” means the *School Amendment Act, 2001*.

**(2)** On the coming into force of section 13 of the amending Act, a resident of a separate school district or regional division made up only of separate school districts continues as such until the individual makes an election under section 27(4).

*those provisions or those regulations to a board or a trustee is deemed to include a reference to a person or society that operates a charter school or a member of the governing body of that person or society, as the case may be:*

**12** Section 24.6(c) presently reads:

*24.6 The Minister may make regulations*

*(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;*

**13** Section 27(4) presently reads:

*(4) Where a separate school district is established, an individual residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic,*

*(a) is a resident of the separate school district, and*

*(b) is not a resident of the public school district.*

**14** Transitional provision.

**15 The following is added after section 90:**

Duty to report

**90.1(1)** A school board or the operator of a private school or charter school shall make a report in writing to the Registrar about any employment action, including a suspension, termination, resignation or retirement from employment of a teacher, if the employment action results from conduct that brings into question the suitability of the teacher to hold a teaching certificate.

(2) If a report made under subsection (1) is in respect of a teacher employed by a school board, the board shall make a complaint about the teacher's conduct pursuant to section 23 of the *Teaching Profession Act*.

(3) If a report made under subsection (1) is in respect of a teacher employed by the operator of a private school or charter school, the operator shall make a complaint about the teacher's conduct pursuant to section 6 of the *Practice Review of Teachers Regulation (AR 4/99)*.

(4) No action lies against any of the following in respect of any report made under subsection (1) in good faith when acting or purporting to act under this Act or the regulations:

- (a) a school board,
- (b) the operator of a private school or a charter school,
- (c) a person appointed as an official trustee,
- (d) the executive secretary, or
- (e) a person who acts on the instruction of, or under the supervision of, a person referred to in clauses (a) to (d).

(5) No action for defamation may be founded on a report made under subsection (1) in good faith.

(6) If a complaint under subsection (2) or (3) is dismissed, the Registrar shall remove from the teacher's file the corresponding report made under subsection (1).

(7) In this section,

**15** Duty to report.

- (a) “executive secretary” means the executive secretary as defined in the *Teaching Profession Act*;
- (b) “Registrar” means the Registrar appointed under the regulations.

**16 Section 104(1) is amended by striking out “or” at the end of clause (d), adding “or” at the end of clause (e) and adding the following after clause (e):**

- (f) the refusal by the board under section 28(3) to enroll a resident student of another board in the school as requested by the parent of the student,

**17 The following is added before section 131:**

Interpretation

**130.1** In this Division, except in section 147(3), a reference to a separate school district includes a regional division made up only of separate school districts.

**18 Section 132 is amended**

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

Property owned by individuals

**132(1)** Subject to subsection (1.01), where

- (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.

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

**(1.01)** If an individual referred to in subsection (1) elects under section 27(4) to be a resident of the public school district or division, the property of that individual is assessable for public school purposes.

**16** Section 104(1) presently reads in part:

*104(1) If a board makes a decision on an appeal to it or otherwise with respect to*

*(d) the expulsion of a student, or*

*(e) the amount and payment of fees or costs,*

*the parent of a student affected by the decision or the student if he is 16 years of age or older may request in writing that the Minister review the decision of the board.*

**17** Interpretation provision.

**18** 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.*

**19 Section 134(5) is repealed and the following is substituted:**

(5) On receiving the lists referred to in subsections (1) and (2), the municipality shall mail to each individual named on a list at the individual's address shown on the list a notice stating

(a) that the board of a separate school district claims that

(i) the individual is a resident of that district and the individual's property that is located in the district is assessable for the purposes of the separate school district by virtue of

(A) the individual's being Protestant or Roman Catholic, whichever is the faith of those who established the separate school district, and

(B) the individual's having elected to be a resident of the separate school district under section 27(4),

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

(iii) the individual does not reside in that district but the individual's property that is located in the district is assessable for the purposes of the separate school district by virtue of

(A) the individual's being Protestant or Roman Catholic, whichever is the faith of those who established the separate school district, and

(B) the individual's having elected to be a resident of the separate school district under section 27(4),

and

(b) that the individual will be recorded as a resident of the separate school district or as a non-resident

19 Section 134(5) presently reads:

*(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.*

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 the individual gives written notice to the municipality stating that

- (i) the individual is not of the same faith as those who established the separate school district, or
- (ii) the individual wishes to elect under section 27(4) to be a resident of the public school district or division.

**20 Section 135(1) is amended by adding “or public school purposes” after “separate school purposes”.**

**21 Section 150 is amended by adding the following after subsection (2):**

**(2.01)** In subsection (2)(b), the reference to notice given in accordance with section 135 is a reference to a notice effective as at December 31 of the year preceding the year for which the requisition is made.

**22 The following is added after section 150:**

Requisition  
deemed valid  
and binding

**150.1** A requisition calculated under section 150 before the coming into force of this section is deemed to be valid and binding notwithstanding any error, defect or omission in the requisition.

**20** Section 135(1) presently reads:

*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.*

**21** Section 150(2) presently reads:

*(2) For the purposes of this section, the requisition under subsection (1)(a) for a year of a board of a separate school district or division to which Division 4 does not apply on a particular municipality shall not be less than the requisition that would be determined using*

*(a) the property tax rates established under section 158 for the year for the particular municipality, and*

*(b) the equalized assessment of the particular class of property referred to in section 158(1.1) or (1.3), as the case may be, of that portion of the assessment base of the municipality in respect of which notice has been given in accordance with section 135 that the property is assessable for separate school purposes.*

**22** Requisition deemed valid and binding.

**23 Section 158(7) is repealed and the following is substituted:**

(7) Notwithstanding anything in this section, that portion of the assessment base of a municipality that is assessable for separate school purposes pursuant to section 150(2)(b) is not to be included in the equalized assessment referred to in subsection (2).

**24 The heading preceding section 189 is amended by striking out “Board”.**

**25 Section 189 is repealed.**

**26 Sections 190 and 192 are amended by striking out “School Buildings Board” wherever it occurs and substituting “Minister”.**

**23** Section 158(7) presently reads:

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

**24** The heading preceding section 189 presently reads:

*School Buildings Board*

**25** Section 189 presently reads:

*189(1) The Lieutenant Governor in Council may establish a board which shall be known as the "School Buildings Board" consisting of 5 members appointed by the Lieutenant Governor in Council.*

*(2) The Lieutenant Governor in Council may designate one of the members of the Board as chairman.*

**26** Sections 190(2) and (3) and 192 presently read:

*190(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*

*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.*

*(3) No structural alteration that has the effect of reducing the number of classrooms in the original design of the school building may be made to a school building unless a copy of the plan amended for area and capacity has been submitted to the School Buildings Board.*

*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.*

*(2) A school jurisdiction shall give to the School Buildings Board any information concerning a school building project that the School Buildings Board requires in order for the School Buildings Board to determine*

**27 Section 199(a)(ii) is repealed and the following is substituted:**

- (ii) in the case where a separate school district is established, is of the same faith as those who established the district, whether Protestant or Roman Catholic, and has elected to be an elector of that separate school district;

**28 Section 207(6) is repealed.**

**29 The following is added after section 208:**

**Division 2.01  
Establishment of Separate School Regions**

Definitions

**208.01** In this Division,

- (a) “Region” means a Separate School Region established pursuant to section 208.02;
- (b) “separate school district” includes a regional division made up only of separate school districts;
- (c) “separate school elector” means a separate school elector as defined in section 199.

- (a) the necessity for the proposed school building project, having regard to existing and available facilities, and*
- (b) the nature and suitability of the school building project.*

**27** Section 199 presently reads in part:

*199 In this Division,*

- (a) “separate school elector” means an individual who,*
  - (i) in the case where a separate school district is not established,*
    - (A) is an elector of the public school district, and*
    - (B) is either of the Protestant or Roman Catholic faith, whichever is the minority in the public school district,*
  - and*
  - (ii) in the case where a separate school district is established, is a Protestant or Roman Catholic, as the case may be, and is an elector of that separate school district;*

**28** Section 207(6) presently reads:

*(6) Subject to Part 6, Division 2, after a separate school district is established, a person residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic, is a resident of the separate school district and is not a resident of the public school district.*

**29** New Division added to allow for establishment of Separate School Regions.

Establishment  
of Separate  
School Region

**208.02(1)** The Minister may by order establish any portion of Alberta as a Separate School Region.

(2) The order establishing a Separate School Region must describe the boundaries of the Region and give it a name and number in the following form:

The \_\_\_\_\_ Separate School Region No. \_\_\_\_\_

(3) A Region may only have one separate school board.

(4) The Minister may exclude any portion of Alberta from a Region.

**30 The following is added after section 208.02:**

Expansion of  
district

**208.03(1)** After a Separate School Region is established under section 208.02, the separate school board in the Region may add land in the Region to its separate school district by entering into an agreement with the public school board into whose area the separate school board wishes to expand.

(2) If an agreement cannot be reached under subsection (1), the separate school board may, on the request of at least 3 separate school electors in the Region, add land in the Region to its separate school district after consulting, in accordance with the regulations, with the public school board into whose area the separate school board wishes to expand.

Resolution  
required

**208.04(1)** If the separate school board of a Region decides to add land to its separate school district under section 208.03(1) or (2) it must pass a resolution to that effect.

(2) Before a resolution is passed under subsection (1), the separate school board must give notice to the Minister, in the form prescribed by the Minister, of the date, time and location of the board meeting at which the resolution is to be considered.

(3) A resolution must be passed before December 31 to take effect on September 1 of the next year.

(4) Not later than 30 days after passing a resolution under this section, the separate school board must give notice to the Minister and any municipality affected by the resolution,

**30** New sections added to allow for expansion of services in Region.

in the form prescribed by the Minister, of the passage of the resolution.

(5) The Minister shall publish the notice received under subsection (4) in The Alberta Gazette.

Regulations

**208.05** The Minister may make regulations respecting the consultation process to be followed for the purpose of section 208.03(2).

**31 The following is added before section 223.1:**

Definitions

**223.01** In this Part,

- (a) “public school” means a school designated as a public school by a Regional authority under section 223.34;
- (b) “public school elector” means an individual described in section 223.4(1)(a) other than a separate school elector;
- (c) “public school member” means an individual who is appointed or elected as a public school member of a Regional authority;
- (d) “Regional authority”, except in sections 223.3(2) and 223.34, includes a Public Regional authority and a Separate Regional authority established under section 223.31;
- (e) “separate school” means a school designated as a separate school by a Regional authority under section 223.34;
- (f) “separate school elector” means an individual described in section 223.4(1)(a) who is of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of a Region as determined by the Minister under section 223.11;
- (g) “separate school member” means an individual who is appointed or elected as a separate school member of a Regional authority.

**31** Definitions.

Minority in  
Region

**32 The following is added after section 223.1:**

**223.11** For the purposes of this Part, the Minister may by order determine for each Region, on evidence satisfactory to the Minister, whether the Protestant or Roman Catholic faith is the faith of the minority of all individuals living within the boundaries of the Region.

**33 Section 223.3 is amended**

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

(2) A Regional authority must be composed of at least 3 members and not more than 7 members, at least one of whom must be a public school member.

**(b) by adding the following after subsection (2):**

(2.1) The Minister may appoint the first members of a Regional authority.

**(c) in subsection (3) by striking out “subsection (2)” and substituting “subsection (2.1)”.**

Public and  
Separate  
Regional  
authorities

**34 The following is added after section 223.3:**

**223.31(1)** If, within a Region, the public school electors exceed 30% of all public school electors and separate school electors and there are at least 500 students registered in the public schools, the Minister may dissolve the existing Regional authority and establish both a Public Regional authority and a Separate Regional authority.

**32** Minority in Region.

**33** Section 223.3 presently reads:

*223.3(1) The Minister may by order establish a Regional authority for a Region, and the members of the Regional authority are a corporation under the name of:*

*The Regional authority of \_\_\_\_\_ Francophone Education Region No. \_\_\_\_*

*(2) The Minister may appoint no fewer than 3 Francophones as the first members of a Regional authority.*

*(3) Members of a Regional authority appointed under subsection (2) hold office until the first organizational meeting of the Regional authority held after the first general election held after the Regional authority is established.*

*(4) The board of a district or division required by the Minister to do so must enter into an agreement with the Regional authority respecting any matter the Minister considers necessary, including, but not limited to, dealing with assets and liabilities and the transfer of employees.*

*(5) If a board referred to in subsection (4) and the Regional authority do not enter into an agreement under subsection (4) within a period that the Minister considers reasonable, the Minister may make an order respecting any matter the Minister considers necessary.*

**34** New sections added regarding Public and Separate Regional authorities, transitional and designation of schools.

(2) The members of the Public Regional authority established under subsection (1) are a corporation under the name of:

The Regional authority of \_\_\_\_\_ Public Francophone Education Region No. \_\_\_\_\_

(3) The members of the Separate Regional authority established under subsection (1) are a corporation under the name of:

The Regional authority of \_\_\_\_\_ Separate Francophone Education Region No. \_\_\_\_\_

(4) A Public Regional authority must be composed of at least 3 members, all of whom must be public school members.

(5) A Separate Regional authority must be composed of at least 3 members, all of whom must be separate school members.

Transitional

**223.32(1)** In this section, “amending Act” means the *School Amendment Act, 2001*.

(2) The members of a Regional authority established before the coming into force of sections 31 to 36 of the amending Act continue as members of the Regional authority until the next election of its members.

(3) The Regional authority of the Greater Southern Public Francophone Education Region No. 4 established before the coming into force of sections 31 to 36 of the amending Act is continued and deemed to be established as a Public Regional authority.

(4) The Regional authority of the Greater Southern Separate Catholic Francophone Education Region No. 4 established before the coming into force of sections 31 to 36 of the amending Act is continued and deemed to be established as a Separate Regional authority.

Responsibility and authority of Regional authority

**223.33(1)** Subject to subsection (2), a Regional authority has the responsibility and authority to ensure that both minority language educational rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.



(2) If a Public Regional authority and a Separate Regional authority are established under section 223.31,

- (a) the Public Regional authority has the responsibility and authority to ensure minority language educational rights guaranteed under the Constitution of Canada are protected in the Region, and
- (b) the Separate Regional authority has the responsibility and authority to ensure that both minority language educational rights and the rights and privileges with respect to separate schools guaranteed under the Constitution of Canada are protected in the Region.

Designation of schools

**223.34(1)** A Regional authority must designate each school in the Region either as a public school or as a separate school.

(2) The separate school members of a Regional authority have exclusive control over all denominational aspects relating to the operation of separate schools in the Region.

### 35 Section 223.4 is amended

(a) in subsection (1)(a)(ii) by striking out “a student”;

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

(1.1) In addition to the requirements of subsection (1),

- (a) an individual who is a separate school elector may only vote for a candidate who is standing for election as a separate school member, and
- (b) an individual who is a public school elector may only vote for a candidate who is standing for election as a public school member.

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

(2) For the purposes of this Act and the *Local Authorities Election Act*, and notwithstanding section 21 of the *Local Authorities Election Act*, an individual who may vote in an election of members of a Regional authority may

**35** Section 223.4 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 election 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.*

- (a) in the case of a separate school elector, nominate an individual as a candidate to stand for election as a separate school member, and
- (b) in the case of a public school elector, nominate an individual as a candidate to stand for election as a public school member.

**(d) by adding the following after subsection (3):**

(3.1) In addition to the requirements of subsection (3), an individual standing as a candidate for election

- (a) as a separate school member must be of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of the Region as determined by the Minister under section 223.11, and
- (b) as a public school member may not be of the same faith, whether Protestant or Roman Catholic, as the minority of all individuals living within the boundaries of the Region as determined by the Minister under section 223.11.

**(e) in subsection (5) by striking out “, a board or a co-ordinating council” and substituting “or a board”.**

**36 Sections 223.6 to 223.8 are repealed.**

*(2) For the purposes of this Act and the Local Authorities Election Act, notwithstanding section 21 of the Local Authorities Election Act, an individual who may vote in an election of members of a Regional authority may nominate an individual as a candidate for election as a member of the Regional authority.*

*(3) For the purposes of this Act and the Local Authorities Election Act, an individual is eligible to be elected as a member of a Regional authority if the individual*

*(a) is 18 years of age or older,*

*(b) is a Canadian citizen,*

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

*(d) is not otherwise ineligible under the Local Authorities Election Act.*

*(4) A person who is eligible to vote in an election for a board other than a Regional authority and in an election for a Regional authority may exercise the right to vote in both elections.*

*(5) A person may be a member of only one of a Regional authority, a board or a co-ordinating council at any particular time.*

**36** Sections 223.6 to 223.8 presently read:

*223.6(1) The Minister may by order establish a co-ordinating council for a Region, and the members of the co-ordinating council are a corporation under the name of:*

*The \_\_\_\_\_ Regional Francophone Co-ordinating Council*

*(2) The Minister may appoint no fewer than 3 individuals as members of a co-ordinating council.*

*223.7(1) A co-ordinating council shall*

*(a) facilitate the education in French of the children of Francophones by advocacy or by entering into agreements, including agreements with boards or Regional authorities respecting the purchase of services;*

**37 Section 241(b) is amended by adding “, report” after “return”.**

**38(1) Sections 21, 22 and 23 are deemed to have come into force on January 1, 2001.**

**(2) Sections 3(b), 13, 14, 16, 17, 18, 19, 20, 27, 28 and 30 come into force on Proclamation.**

*(b) advise boards, Regional authorities and the Minister respecting all matters relating to the education in French of the children of Francophones;*

*(c) carry out any other task, inquiry or investigation requested by the Minister.*

*(2) A co-ordinating council shall not act as if it were a board.*

*223.8(1) A co-ordinating council may pass a resolution requesting the Minister to dissolve the co-ordinating council.*

*(2) The Minister, subject to any terms or conditions the Minister imposes, may dissolve a co-ordinating council whether or not the Minister receives a resolution requesting the dissolution.*

*(3) If on the dissolution of a co-ordinating council the Minister considers an adjustment of assets or liabilities to be necessary, the Minister shall, by order, give directions with respect to the assets or liabilities of the co-ordinating council.*

*(4) The Minister may establish a Regional authority for the Region under section 223.3 and dissolve any co-ordinating council.*

*(5) If the Minister dissolves a co-ordinating council under subsection (4), the Minister may also make an order under subsection (3).*

**37** Section 241 reads as follows:

*241 A person who is required by this Act or the regulations*

*(a) to furnish any information, or*

*(b) to make a return or statement in writing,*

*and who refuses, neglects or fails to do so is guilty of an offence and liable to a fine of not more than \$1000.*

**38** Coming into force.