

2008 Bill 210

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First Session, 27th Legislature, 57 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 210**

**SCHOOL (ENHANCED PROTECTION OF STUDENTS  
AND TEACHERS) AMENDMENT ACT, 2008**

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MRS. FORSYTH

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## **BILL 210**

2008

### **SCHOOL (ENHANCED PROTECTION OF STUDENTS AND TEACHERS) AMENDMENT ACT, 2008**

*(Assented to \_\_\_\_\_, 2008)*

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

#### **Amends RSA 2000 cS-3**

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

##### **2 Section 1(1) is amended**

###### **(a) by adding the following after clause (a):**

- (a.1) “banned item” means
  - (i) a weapon, as defined in the *Criminal Code* (Canada),
  - (ii) a controlled substance and offence-related property, as defined in the *Controlled Drugs and Substances Act* (Canada), and
  - (iii) any item listed in the regulations as a banned item for the purposes of this Act;

###### **(b) by adding the following after clause (b):**

- (b.1) “to bully” means to repetitively harass an individual to maintain an imbalance of power over that individual by
  - (i) gestures, verbal abuse or written abuse, including gestures and abuse that are racially, ethnically or gender-based, directed at that individual,

## **Explanatory Notes**

- 1** Amends chapter S-3 of the revised Statutes of Alberta 2000.
- 2** Definitions.

- (ii) stealing the possessions of that individual,
- (iii) physical or sexual assault or threats of physical or sexual assault on that individual, or
- (iv) threats of death to that individual;

**(c) by adding the following after clause (q):**

- (q.1) “peace officer” means peace officer as defined in the *Police Act*;

**(d) by adding the following after clause (kk):**

- (ll) “written” means words, abbreviations or symbols represented or reproduced by any mode of representation or reproduction in visible form.

**3 The following is added after section 12:**

**Banned items**

**12.1** No student shall possess a banned item in a school, on school grounds, on a school bus or at an activity sponsored or approved by a board.

**Bullying banned**

**12.2** No student shall bully another person

- (a) in a school, on school grounds, on a school bus or at an activity sponsored or approved by a board, or
- (b) by means of a school computer or the Internet accessed through a school computer.

**Regulations**

**12.3** The Minister may make regulations listing items that are banned items for the purposes of this Act.

**4 The following is added after section 23:**

**Contravention of section 12.1 or 12.2**

**23.1(1)** If a teacher or a board is aware that a student may have contravened section 12.1 or 12.2, the teacher or board must advise the principal.

**(2)** A principal who is aware that a student may have contravened section 12.1 or 12.2 or who has been advised under subsection (1)

**3** Banned items, bullying banned, regulations.

**4** Contravention of section 12.1 or 12.2, offence.

- (a) must consult with the board, and
- (b) may consult with a peace officer.

**(3)** After a consultation under subsection (2)(b), if the peace officer believes on reasonable and probable grounds that a student may have contravened section 12.1 or 12.2, the peace officer may meet and consult with the student, the student's parent and the principal.

**(4)** If the peace officer after having consulted under subsection (3) believes on reasonable and probable grounds that the student has contravened section 12.1 or 12.2, the principal and the peace officer may determine an educational measures program for the student to participate in, and if such a determination is made, the principal must direct the student to participate in that program.

**(5)** The principal must advise the board of any direction given under subsection (4).

#### **Offence**

**23.2** A student who fails to participate in an educational measures program, as directed under section 23.1, is guilty of an offence.

#### **5 Section 24 is amended**

**(a) in subsection (1)**

**(i) by striking out** "A teacher or a principal may" **and substituting** "Subject to subsection (1.1), a teacher or principal may";

**(ii) by striking out** "or" **at the end of clause (a);**

**(iii) by adding the following after clause (a):**

(a.1) the student has failed to participate in an educational measures program, as directed under section 23.2, or

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

**(1.1)** Grounds for suspension under subsection (1) do not include contravention of section 12.1 or 12.2.

#### **6 Section 60 is amended by adding the following after subsection (1):**

**5** Section 24(1) presently reads:

*24(1) A teacher or a principal may suspend a student in accordance with subsection (2) or (3) if in the opinion of the teacher or principal*

- (a) the student has failed to comply with section 12, or*
- (b) the student's conduct is injurious to the physical or mental well-being of others in the school.*

**6** Board to provide educational measures programs.

**(1.1)** A board must provide for educational measures programs referred to in section 23.1.

**7 Section 77 is amended**

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

**(1.1)** A board shall, within 30 days of the end of a school year, submit a report to the Minister respecting all alleged contraventions of sections 12.1 and 12.2 of which the board is aware or has been advised of under section 23.1.

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

**(2)** The Minister may publish or otherwise disseminate any information, including information in a report, that the Minister receives under this section.

**8 Section 79 is amended by adding the following after clause (c):**

- (d) respecting educational measures programs referred to in section 23.1;
- (e) respecting reports required under section 77(1.1).

**9 This Act comes into force on Proclamation.**



**7** Section 77 presently reads:

*77(1) A board shall provide the Minister with any information the Minister requests in writing.*

*(2) The Minister may publish or otherwise disseminate any information the Minister receives under subsection (1).*

**8** Regulations.

**9** Coming into force.





