

2009 Bill 206

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 206

**SCHOOL (ENHANCED PROTECTION OF STUDENTS
AND TEACHERS) AMENDMENT ACT, 2009**

MRS. FORSYTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 206

2009

SCHOOL (ENHANCED PROTECTION OF STUDENTS AND TEACHERS) AMENDMENT ACT, 2009

(Assented to _____, 2009)

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 is amended

(a) in subsection (1)

(i) 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;

(ii) by adding the following after clause (b):

(b.1) “bully” means to repetitively harass an individual to maintain an imbalance of power over that individual by

Explanatory Notes

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

- (i) gestures, verbal abuse or written abuse directed at that individual, including gestures and abuse that are based on the individual's race, ethnicity, gender, sexual orientation, mental or physical disability,
- (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;

(iii) by adding the following after clause (q):

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

(iv) 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.

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

(1.1) For the purposes of subsection (1)(b.1), bullying includes any of the actions outlined in clause (b.1) that are conducted through electronic media.

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 individual

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

3 Banned items, bullying banned, regulations.

- (c) at any other time where such activity may reasonably be expected to cause a substantial and material disruption at school.

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)

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

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

(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

4 Contravention of section 12.1 or 12.2; offence.

5 Section 24(1) presently reads:

(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 23.1, 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):

(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).

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.

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 This Act comes into force on Proclamation.

9 Coming into force.

