

2015 Bill 19

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Third Session, 28th Legislature, 64 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 19**

**EDUCATION AMENDMENT ACT, 2015**

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THE MINISTER OF EDUCATION

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 19*

## **BILL 19**

2015

### **EDUCATION AMENDMENT ACT, 2015**

*(Assented to \_\_\_\_\_, 2015)*

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

**Amends SA 2012 cE-0.3**

**1 The *Education Act* is amended by this Act.**

**2 Section 1(4) is amended**

**(a) by repealing clause (a)(ii) and substituting the following:**

(ii) who is living and ordinarily present in Alberta,

**(b) by repealing (b)(ii) and substituting the following:**

(ii) who is living and ordinarily present in Canada,

## Explanatory Notes

**1** Amends chapter E-0.3 of the Statutes of Alberta, 2012.

**2** Section 1(4) presently reads:

*(4) For the purposes of this Act,*

*(a) “resident of Alberta” means a person*

*(i) who is lawfully entitled to be or to remain in Canada, and*

*(ii) who makes the person’s residence, and is ordinarily present, in Alberta,*

*but does not include a tourist or visitor to Alberta;*

*(b) “resident of Canada” means a person*

*(i) who is lawfully entitled to be or to remain in Canada, and*

*(ii) who makes the person’s residence, and is ordinarily present, in Canada,*

*but does not include a tourist or visitor to Canada.*

**3 Section 4(1) is amended by adding “during the school year” after “student resides”.**

**4 Section 5 is repealed.**

**5 Section 6(1) is amended by striking out “for the purposes of this section” and substituting “for the purposes of this Act”.**

**6 Section 11(3) is amended by striking out “Where” and substituting “In respect of a student referred to in subsection (2), if”.**

**3** Section 4(1) presently reads:

*4(1) Subject to this section, a student is a resident student of the board of the school division in which the student resides.*

**4** Section 5 presently reads:

*5 For the purposes of this Act, the place of residence of a person is governed by the following:*

- (a) a person is deemed to have only one place of residence;*
- (b) a person's place of residence is the place where that person ordinarily lives and sleeps and to which, when absent from the residence, that person intends to return;*
- (c) when a person leaves Alberta or Canada with the intention of residing outside Alberta or Canada, that person's residence in Alberta or Canada, as the case may be, ceases.*

**5** Section 6(1) presently reads:

*6(1) In determining whether a student is living independently for the purposes of this section, a board may consider the following:*

- (a) whether the student or the student's parent has made a statement in writing indicating that the student is living independently;*
- (b) the student's living arrangements;*
- (c) whether the student is financially independent or contributes financially to his or her maintenance;*
- (d) whether the student is responsible for the making of significant decisions regarding matters such as health care;*
- (e) any other factor the board considers relevant.*

**6** Section 11(3) presently reads:

**7 Section 18 is repealed and the following is substituted:**

**Courses, programs of study, etc.**

**18(1)** The Minister may do the following:

- (a) prescribe courses or programs of study;
- (b) prescribe requirements for the granting of credits, certificates and diplomas, including requirements for high school completion;
- (c) prescribe requirements with respect to course sequencing or advancement;
- (d) authorize learning and teaching resources for use in schools;
- (e) approve any course, program of study or learning and teaching resource that may be submitted to the Minister by a board or another operator of a school for use in a school.

**(2)** The Minister may, by order, do the following:

- (a) subject to the right of a board to provide religious instruction, prohibit the use of a course, a program of study or a learning and teaching resource in schools;
- (b) adopt or approve goals and standards applicable to the provision of education in Alberta.

**(3)** The *Regulations Act* does not apply to an order made under subsection (2).

**(4)** The Minister may issue directives respecting the assessment of persons by the Minister.

*(3) Where a student's behavioural, intellectual, learning, communication or physical characteristics, or a combination of any of them, impair the student's ability and opportunity to learn, a board may determine that the student is in need of specialized supports and services.*

**7** Section 18 presently reads:

*18(1) The Minister may by order do the following:*

- (a) prescribe courses or programs of study;*
- (b) prescribe requirements for the granting of credits, certificates and diplomas, including requirements for high school completion;*
- (c) prescribe requirements with respect to course sequencing or advancement;*
- (d) subject to the right of a board to provide religious instruction, prohibit the use of a course, a program of study or a learning and teaching resource in schools;*
- (e) adopt or approve goals and standards applicable to the provision of education in Alberta.*

*(2) The Minister may*

- (a) authorize learning and teaching resources for use in schools, and*
- (b) approve any course, program of study or learning and teaching resource that may be submitted to the Minister by a board or another operator of a school for use in a school.*

*(3) The Regulations Act does not apply to an order made under subsection (1).*

*(4) The Minister may make regulations respecting the examination and evaluation of persons by the Minister, including appeals, fees and the payment of remuneration.*

**8 Section 19(1) is repealed and the following is substituted:**

**Alternative programs**

**19(1)** In this section, “alternative program” means an education program offered by a board that

- (a) emphasizes a particular language, culture, religion or subject-matter, or
- (b) uses a particular teaching philosophy,

but that is not a religious education program offered by a separate school board of that religious denomination, a Francophone education program or specialized supports and services under section 11.

**9 Section 21(3) is amended by striking out “section 18(1)(e)” and substituting “section 18(2)(b)”.**

**10 Section 29(1)(a) is amended by striking out “section 18” and substituting “section 18(2)(b)”.**



**8** Section 19(1) presently reads:

*19(1) In this section, “alternative program” means an education program offered by a board that*

*(a) emphasizes a particular language, culture, religion or subject-matter, or*

*(b) uses a particular teaching philosophy,*

*but that is neither a religious education program offered by a separate school board of that religious denomination nor a Francophone education program.*

**9** Section 21(3) presently reads:

*(3) An early childhood services program provided by a board or a person under this section must be consistent with the goals and standards adopted or approved by the Minister under section 18(1)(e).*

**10** Section 29(1) presently reads:

*29(1) A school may be registered as a private school if the person who will be responsible for the operation of the proposed private school applies to the Minister and the Minister is satisfied that*

*(a) the private school will provide education programs to its students that comply with any orders made under section 18,*

*(b) the private school will meet standards of student achievement acceptable to the Minister,*

*(c) the person who will be responsible for the operation of the private school agrees to regular evaluation and monitoring by the Minister, and*

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

**11 Section 30(1) is amended**

- (a) in clause (b) by adding “and (4)” after “9(2)”;**
- (b) in clause (e) by striking out “70 and 71” and substituting “66 and 70”.**

**12 Section 56 is amended**

- (a) by repealing subsection (4) and substituting the following:**
  - (4)** A person who is entitled to review a student record under subsection (3) may submit a request for a copy of the student record, along with any associated fee, to the board or a person other than the board providing an early childhood services program, and the board or the person other than the board providing the early childhood services program shall provide a copy of the student record to the person.
- (b) in subsection (6) by adding “or the person other than the board providing an early childhood services program” after “board”;**
- (c) in subsection (7)**
  - (i) by adding “or a person other than a board providing an early childhood services program” after “a board”;**

**11** Section 30(1) presently reads:

*30(1) The following provisions and any regulations made under them apply to a registered or accredited private school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the person responsible for the operation of a private school or a member of the governing body of the operator of a private school, as the case may be:*

- (a) sections 1 and 2;*
- (b) in Part 1, sections 3, 5, 6, 7 and 9(2);*
- (c) in Part 2, sections 16, 17, 18, 29 and 30;*
- (d) in Part 3, sections 31 and 32 and Division 7;*
- (e) in Part 4, sections 56, 70 and 71;*
- (f) in Part 7, sections 201 and 218;*
- (g) in Part 8, sections 243, 244, 246, 254 and 259.*

**12** Section 56 presently reads in part:

*(4) A person who is entitled to review a student record under subsection (3) 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.*

*(6) If, on reviewing a student record, a person who is entitled to review the student record is of the opinion that the student record contains inaccurate or incomplete information, that person may request that the board rectify the matter.*

*(7) Where in accordance with the regulations a board is required to transfer a student record, the board shall do so in a timely manner.*

*(8) The Minister may make regulations respecting student records.*

- (ii) **by adding** “or the person other than the board providing the early childhood services program” **after** “the board”;
- (d) **in subsection (8) by adding** “for students and children referred to in subsections (1) and (2)” **after** “student records”.

**13 Section 63 is amended**

- (a) **in subsection (2)(b) by adding** “or a person authorized by the council of a band” **after** “*Indian Act (Canada)*”;
- (b) **in subsection (3) by striking out** “subsection (1)” **and substituting** “subsection (2)”;
- (c) **by adding the following after subsection (3):**
  - (4) The *Regulations Act* does not apply to an order made under subsection (2).

**14 Sections 70 and 71 are repealed and the following is substituted:**

**Investigation**

**70(1)** Where, in the opinion of the Minister, there is reason to believe that a board is not fulfilling its responsibilities under section 33, the Minister may appoint a person to investigate the management, administration and operation of the board.

**(2)** Where, in the opinion of the Minister, there is reason to believe that

- (a) a private school is not being operated in compliance with this Act and the regulations,
- (b) a private school does not have the capacity to deliver an appropriate education program to its students,
- (c) students enrolled in a private school are not achieving acceptable educational progress, or

**13** Section 63 presently reads in part:

*(2) The Minister may, by order, establish requirements or standards that apply to education services agreements between a board and*

*(a) the Government of Canada or an agent of the Government of Canada, or*

*(b) a council of a band as defined in the Indian Act (Canada),*

*for the education of Indian children.*

*(3) Where a board enters into an agreement with respect to the education of Indian children pursuant to subsection (1), the agreement must meet the requirements or standards established by the Minister.*

**14** Sections 70 and 71 presently read:

*70(1) Where the Minister considers it appropriate, the Minister may appoint a person to investigate into and report to the Minister on*

*(a) the financial condition,*

*(b) the administrative condition, or*

*(c) any other matter connected with the management, administration or operation,*

*of a board, a private school or a person providing an early childhood services program.*

*(2) The Minister may, on receipt of a report under subsection (1), order an inquiry to be conducted in accordance with section 71.*

- (d) a private school permits courses or programs of study or instructional materials that do not comply with section 16 to be offered or used at the school,

the Minister may appoint a person to investigate the management, administration and operation of the private school.

**(3)** Where, in the opinion of the Minister, there is reason to believe that a person, other than a board, providing an early childhood services program is failing to comply with this Act and the regulations, the Minister may appoint a person to investigate the management, administration and operation of the early childhood services program.

**(4)** In any circumstance not referred to in subsections (1) to (3), where the Minister considers it appropriate, the Minister may appoint a person to investigate into and report to the Minister on the financial condition, or any other matter connected with the management, administration and operation, of a board, a private school or a person providing an early childhood services program.

**(5)** A person appointed under this section may examine and take copies of

- (a) all records and accounts,
- (b) all bank statements, and
- (c) any other documents or things,

including those in electronic form.

**(6)** The records, accounts, bank statements, documents and things referred to in subsection (5) must be made available to the person appointed under this section at the time the person requests them from the person who has custody of them.

**(7)** A person appointed under this section may take evidence on oath.

**(8)** If the Minister so provides in the appointment, a person appointed under this section has all the powers, privileges and

*71(1) Where, in the opinion of the Minister, there is reason to believe that a board is not fulfilling its responsibilities under section 33, the Minister may appoint a person to conduct an inquiry into the management, administration or operation of the board.*

*(2) Where, in the opinion of the Minister, there is reason to believe that*

- (a) a private school is not being operated in compliance with this Act and the regulations,*
- (b) a private school does not have the capacity to deliver an appropriate education program to its students,*
- (c) students enrolled in a private school are not achieving acceptable educational progress, or*
- (d) a private school permits courses or programs of study or institutional materials that do not comply with section 16 to be offered or used at the school,*

*the Minister may appoint a person to conduct an inquiry into the management, administration or operation of the private school.*

*(3) Where, in the opinion of the Minister, there is reason to believe that a person, other than a board, providing an early childhood services program is failing to comply with this Act and the regulations, the Minister may appoint a person to conduct an inquiry into the management, administration or operation of the early childhood services program.*

*(4) A person appointed under this section may examine and take copies of*

- (a) all records and accounts,*
- (b) all bank statements, and*
- (c) any other documents or things,*

*including those in electronic form.*

*(5) If the Minister so provides, a person appointed under this section has all the powers, privileges and immunities of a commissioner appointed under the Public Inquiries Act.*

immunities of a commissioner appointed under the *Public Inquiries Act*.

**(9)** A person appointed under this section shall report to the Minister on the results of the investigation, and on receipt of the report the Minister may make any order that the Minister considers appropriate.

**15 Section 72(1)(a) is amended by striking out “section 71” and substituting “section 70”.**

**16 Section 74(1) is amended by striking out “the provisions of section 5 respecting residence” and substituting “section 48(1) and (1.1) of the *Local Authorities Election Act*”.**

**17 Section 76 is amended**

- (a) in subsection (1)(a) by striking out “or electoral subdivisions” wherever it occurs;**
- (b) in subsection (2) by striking out “subsection (1) or any bylaw that amends, revokes or replaces it” and substituting “this section”;**
- (c) by adding the following after subsection (2):**



*(6) The records, accounts, bank statements, documents and things referred to in subsection (4) must be made available to the person appointed by the Minister at the time the person requests them from the person who has custody of them.*

*(7) A person appointed under this section shall report to the Minister on the results of the inquiry, and on receipt of the report the Minister may make any order that the Minister considers appropriate.*

**15** Section 72(1) presently reads:

*72(1) The Minister may appoint an official trustee to conduct the affairs of a board, subject to any terms and conditions the Minister considers necessary, when*

- (a) a board fails to comply with an order made under section 71, or*
- (b) the Minister considers it in the public interest to do so.*

**16** Section 74(1) presently reads:

*74(1) In addition to the provisions of section 5 respecting residence, this section applies to determine whether an individual is a resident of a public school division or a separate school division for the purposes of determining eligibility to vote or to be nominated as a candidate for election as a trustee of a school board under the Local Authorities Election Act.*

**17** Section 76 presently reads:

*76(1) The board of a school division may by bylaw*

- (a) provide for the nomination and election of trustees by wards or electoral subdivisions and determine the boundaries of the wards or electoral subdivisions, or*
- (b) provide for the election of trustees by the general vote of the electors.*

**(2.1)** Subject to subsection (2.2), a board shall provide a copy of a bylaw passed under this section to the Minister as soon as possible after the bylaw is passed.

**(2.2)** A board shall provide a copy of a bylaw passed under this section to the Minister before March 1 in an election year.

**18 Section 81 is amended**

**(a) in subsection (2)**

**(i) in clause (a) by striking out “2-year” and substituting “3-year”;**

**(ii) in clause (b) by striking out “3rd year” and substituting “4th year”;**

**(b) in subsection (4) by striking out “3rd year” and substituting “4th year”.**

*(2) A bylaw passed under subsection (1) or any bylaw that amends, revokes or replaces it*

*(a) does not apply to the general election next following the passing of the bylaw unless it is passed before March 1 in the year in which that general election is held, and*

*(b) does not apply to or affect the composition of the board until the date of the next general election to which the bylaw applies.*

*(3) A bylaw passed under this section must, if practicable, provide that the number of trustees to be elected in each ward is in the same proportion to the total number of trustees of the board as the population of the ward is to the population of the school division.*

*(4) A board shall establish, implement and make publicly available a policy respecting the considerations and process used by the board to determine ward structures.*

*(5) The Minister may make regulations respecting*

*(a) the nomination and election of trustees by wards or electoral subdivisions;*

*(b) the partition of a school division into wards.*

**18** Section 81 presently reads:

*81(1) If a vacancy occurs on a board of 6 or more trustees, the board shall make provision to fill the vacancy by holding a by-election.*

*(2) Notwithstanding subsection (1), where a vacancy occurs on a board of 6 or more trustees*

*(a) during the 2-year period immediately following a general election, a by-election need not be held if there is only one vacancy on the board, and*

*(b) during the 3rd year following a general election, a by-election need not be held unless the number of vacancies on the board reduces the board to a number that is less than the quorum of the board plus one.*

**19 Section 93(3)(a) is amended by striking out “3 years” and substituting “4 years”.**

**20 Section 98(c) is repealed and the following is substituted:**

- (c) “operating separate school division” means
  - (i) the separate school division operating in the separate school region in which the established separate school district is to be located, or
  - (ii) if no separate school division exists in the separate school region in which the established separate school district is to be located, an individual or a separate school division designated by the Minister;

**21 Section 109(2) is repealed and the following is substituted:**

**(2)** If there is a separate school division operating in the separate school region in which the established separate school district is to be located, the Minister shall add the established separate school district to that operating separate school division in accordance with section 114.

**(2.1)** If there is no separate school division operating in the separate school region in which the established separate school district is to be located, the Minister shall

*(3) If a board consists of 5 trustees or fewer, the board shall provide for the filling of all vacancies that occur prior to the last 6 months of the term by holding a by-election.*

*(4) When the Minister increases the number of trustees on a board, the board shall make provision to fill the new vacancies by holding a by-election unless the increase is made in the 3rd year following a general election.*

**19** Section 93(3)(a) presently reads:

*(3) An application under section 91(b) or (c)*

*(a) must be made within 3 years from the date on which the contravention is alleged to have occurred, and*

**20** Section 98 presently reads in part:

*98 In this Division,*

*(c) “operating separate school division” means the separate school division operating in the separate school region in which the separate school district is to be located;*

**21** Section 109(2) presently reads:

*(2) The Minister shall add the established separate school district to the operating separate school division in accordance with section 114.*

- (a) add the established separate school district to another separate school division, as determined by the Minister, in accordance with section 114, or
- (b) establish a new school division in accordance with section 112.

**22 Section 117 is repealed and the following is substituted:**

**Dissolution by Minister**

**117(1)** The Minister may by order declare that any school division is dissolved, and on the Minister so ordering,

- (a) the board of the school division is dissolved and ceases to have any of the rights, powers and privileges vested in it by this or any other Act, and
- (b) the school division ceases to exist.

**(2)** If the Minister makes an order under subsection (1), the Minister may

- (a) add the land from the dissolved school division to another school division, as determined by the Minister, in accordance with section 114, or
- (b) establish a new school division in accordance with section 112.

**23 The following is added after section 117:**

**Appointment of trustees**

**117.1(1)** An order made by the Minister under section 112 or 114 may

- (a) set out the number of trustees of the board of the school division established under section 112,

**22** Section 117 presently reads:

*117(1) The Minister may by order declare that any school division is dissolved, and on the Minister so ordering,*

*(a) the board of the school division is dissolved and ceases to have any of the rights, powers and privileges vested in it by this or any other Act, and*

*(b) the school division ceases to exist.*

*(2) If land in a dissolved school division is added to another school division under section 114, the Minister may*

*(a) increase the number of trustees of the board of the school division to which the land is added, and*

*(b) appoint one or more persons as trustees to the board.*

*(3) A trustee appointed to a board under subsection (2) holds office until the first organizational meeting of the board held after the first general election held after the appointment.*

*(4) A board of a school division referred to in subsection (2)(a) that has passed a bylaw under section 76 must amend the bylaw to provide for the representation of the area added to the school division.*

**23** Appointment of trustees.

- (b) increase the number of trustees of the board of the school division to which the land is added under section 114, and
- (c) appoint one or more persons as trustees to the board of the school division.

(2) A trustee appointed to a board under subsection (1)(c) holds office until the first organizational meeting of the board held after the first general election held after the appointment.

(3) A board of a school division referred to in subsection (1)(b) that has passed a bylaw under section 76 must amend the bylaw to provide for the representation of the area added to the school division.

**24 Section 125(1)(g) is amended by striking out “section 192(5)” and substituting “section 192(3)”.**

**25 The following is added after section 146:**

**List of separate school district residents**

**146.1(1)** Where a separate school district is established, the board of the separate school division to which the separate school district is added shall

- (a) before the December 1 next following the establishment of the separate school district, and
- (b) according to the information available to the board,

submit to each municipality within which the district lies a list of the names and addresses of all individuals whose property is liable to assessment for separate school purposes.



**24** Section 125(1) presently reads in part:

*125(1) The following provisions and any regulations made under them apply to a Francophone regional authority and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the Francophone regional authority or a trustee of a Francophone regional authority, as the case may be:*

*(g) in Part 6, Division 1, section 171, Division 7 and Division 8 except section 192(5);*

**25** List of separate school district residents.

**(2)** The board of the separate school division shall submit to the municipality where the separate school district is established a list of the names and addresses of all individuals who were separate school electors as defined in section 98 at the time the separate school district was established.

**(3)** A list submitted to a municipality under subsection (1) becomes effective on the December 31 next following the date on which the list is submitted.

**(4)** The lists referred to in subsections (1) and (2) shall each be accompanied with a statutory declaration of the chair and secretary of the board stating

- (a) the sources of information used in the preparation of the list, and
- (b) that to the best of their knowledge and belief, the list is accurate according to that information.

**(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 division claims that
  - (i) the individual is a resident of that district and the individual holds property that is located in the district that is assessable for separate school purposes because the individual is Protestant or Roman Catholic, whichever is the faith of those who established the separate school district,
  - (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 holds property that is located in the district that is assessable for separate school purposes because the individual is Protestant or Roman Catholic, whichever is the faith of those who established the separate school district,

and



(b) that the individual will be recorded as a resident of the separate school district or as a non-resident property owner whose property is assessable for separate school purposes unless within 3 weeks from the date of the mailing of the notice the individual gives written notice to the municipality stating that the individual is not a member of the same faith as those who established the separate school district.

**(6)** When a written notice is given by an individual under subsection (5)(b), the municipality shall remove the name of the individual from the list.

**(7)** After the expiration of 3 weeks from the date of the mailing of the last of the notices by the municipality under subsection (5), the municipality shall,

(a) with respect to all individuals whose names remain on the list referred to in subsection (1), record their properties as being assessable for separate school purposes, and

(b) with respect to all individuals whose names remain on the list referred to in subsection (2), if any, record those individuals as being electors of the separate school division.

**(8)** The municipality shall give to the board of the separate school division and to the board of the relevant public school division a copy of the list following the removal of names, if any, pursuant to subsection (6).

**(9)** Notwithstanding subsections (5) to (8), a municipality shall not remove the name of any individual from a list referred to in subsection (1) on or after the date on which the board passes the resolution authorizing the holding of a plebiscite under Part 6 in respect of the separate school division unless

(a) the resolution is withdrawn by the board,

(b) the electors of the separate school division do not agree in the plebiscite to a special school tax levy, or



- (c) the taxable period affected by the special school tax levy has ended or public notice is given by the board under section 172(2), whichever occurs first.

**26 Section 147(2) is amended by striking out “in accordance with the regulations” and substituting “under section 146.1(8)”.**

**27 Section 174(2) is amended by striking out “3-year” and substituting “4-year”.**

**28 Section 190(3)(a) is repealed and the following is substituted:**

- (a) receives a petition in accordance with the regulations respecting the construction, purchase or leasing of a non-school building within 15 days from the end of the period of public notice set out in the regulations, and

**29 Section 196 is amended**

- (a) in subsection (1)(e)
  - (i) **by striking out “evaluate” and substituting “assess”;**
  - (ii) **by striking out “evaluation” and substituting “assessment”;**

**26** Section 147(2) presently reads:

*(2) An individual whose name is on a list given by a municipality to the board of a separate school division in accordance with the regulations is deemed to have given notice under subsection (1) that the property of the individual is assessable for separate school purposes.*

**27** Section 174(2) presently reads:

*(2) A special school tax levy may be approved by a plebiscite for a period of not more than the 3-year period ending on December 31 of the year of the next general election under the Local Authorities Election Act after the plebiscite.*

**28** Section 190(3) presently reads:

*(3) If a board*

- (a) receives a petition respecting the construction, purchase or leasing of a non-school building that, in accordance with the regulations, requires a vote, within 15 days from the end of the period of public notice set out in the regulations, and*
- (b) decides to proceed with the construction, purchase or lease of a non-school building,*

*the board shall submit the question to a vote of the electors.*

**29** Section 196 presently reads in part:

*196(1) A teacher while providing instruction or supervision must*

- (e) regularly evaluate students and periodically report the results of the evaluation to the students, the students' parents and the board;*

**(b) in subsection (2)(b) by striking out** “provincial achievement tests and diploma examinations” **and substituting** “provincial assessments”.

**30 Section 213(9) is amended by striking out** “power of the Board of Reference” **and substituting** “power of the board”.

**31 Section 230 is repealed and the following is substituted:**

**Board of Reference**

**230(1)** The Lieutenant Governor in Council shall, by order, appoint a roster of individuals who may act as a Board of Reference.

**(2)** The Minister may name one or more individuals from the roster referred to in subsection (1) to act as a Board of Reference in relation to an appeal.

**(3)** For the purposes of carrying out the duties and functions under this Division, the individuals named to act as a Board of Reference under subsection (2) have, in relation to that appeal, all the powers of and may carry out all the duties and functions of a Board of Reference.

**(4)** For the purposes of carrying out the duties and functions under this Division, the individuals named to act as a Board of Reference under subsection (2) have the powers of a commissioner under the *Public Inquiries Act*.

**(5)** The *Alberta Public Agencies Governance Act* does not apply to the roster of individuals who may act as a Board of Reference.



*(2) At any time during the period of time that a teacher is under an obligation to a board to provide instruction or supervision or to carry out duties assigned to the teacher by a principal or the board, the teacher must, at the request of the board,*

*(b) develop, field test and mark provincial achievement tests and diploma examinations, and*

**30** Section 213(9) presently reads:

*(9) Reinstatement under subsection (8) does not affect an appeal of the suspension to the Board of Reference under section 231 or in the absence of an appeal the power of the Board of Reference to investigate or terminate the teacher's contract of employment in accordance with subsection (11).*

**31** Section 230 presently reads:

*230(1) The Lieutenant Governor in Council shall appoint a Board of Reference consisting of those persons that the Lieutenant Governor in Council considers necessary.*

*(2) An appeal referred to the Board of Reference may be heard by one or more members of the Board.*

*(3) Where an appeal referred to the Board of Reference is heard by one or more members of the Board of Reference,*

*(a) that member or those members, as the case may be, have all the powers of and may carry out, in respect of that appeal, all the duties and functions of the Board of Reference, and*

*(b) the decision of that member or those members, as the case may be, is the decision of the Board of Reference.*

*(4) For the purpose of carrying out its duties and functions under this Division, the Board of Reference and each of its members have the powers of a commissioner under the Public Inquiries Act.*

**32 Section 247 is amended by striking out** “or the Minister”.

**33 Section 250(a) is amended by adding** “, including the process for appeals of petitions determined to be insufficient” **after** “petition”.

**34 Section 260 is amended**

- (a) in subsection (5) by striking out** “by March 31 of the year following the coming into force of this Act” **and substituting** “by March 31, 2017”;
- (b) in subsection (8) by striking out** “or a Francophone Regional authority” **wherever it occurs and substituting** “of a Francophone Regional authority”;
- (c) by adding the following after subsection (10):**

**(10.1)** A board of trustees of a school district, school division or regional division established or continued under the former Act is deemed to be a board of trustees of a school division established under this Act with a name in the following form:

The Board of Trustees of \_\_\_\_\_ School  
Division.

**32** Section 247 presently reads:

*247 When this Act provides for the doing of anything by petition or an elector wishes to present a petition to a board or the Minister, the petition must be in accordance with the regulations.*

**33** Section 250 presently reads:

*250 The Minister may make regulations respecting*

- (a) the form, requirements respecting validity, the process of presentation and requirements respecting sufficiency of a petition;*
- (b) the form, contents and method of service of a notice of a public meeting or other public notice.*

**34** Section 260 presently reads in part:

*(5) A board referred to in subsection (4) shall confirm or amend the boundaries of its existing wards or electoral subdivisions by March 31 of the year following the coming into force of this Act.*

*(8) A board of trustees or a Francophone Regional authority established under the former Act is deemed to be a board of trustees or a Francophone Regional authority established under this Act.*

*(10) A school district, school division or regional division established or continued under the former Act is continued and deemed to be a school division established under this Act with the same boundaries and a name in the following form:*

*The \_\_\_\_\_ School Division.*

## RECORD OF DEBATE

Stage	Date	Member	From	To
<b>Questions and Comments</b>			<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
<b>Questions and Comments</b>			<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
<b>Questions and Comments</b>			<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
<b>Questions and Comments</b>			<b>From</b>	<b>To</b>