

2017 Bill 28

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 28

SCHOOL AMENDMENT ACT, 2017

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 28

2017

SCHOOL AMENDMENT ACT, 2017

(Assented to , 2017)

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 16.2(c) is amended by striking out “specialized”.

**3 Section 19 is amended by adding the following after
subsection (1):**

(1.1) Unless otherwise authorized under this Act, a board shall designate as a principal only a teacher who holds a leadership certificate prescribed by the regulations and issued under this Act.

4 Section 23 is repealed.

Explanatory Notes

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

2 Section 16.2 presently reads in part:

16.2 A parent of a student has the responsibility

(c) to co-operate and collaborate with school staff to support the delivery of specialized supports and services to the student,

3 Section 19 presently reads:

19(1) A board that operates one or more schools shall designate a number of teachers as principals.

(2) The board shall assign a principal to each school.

(3) The board may assign a principal to be a principal of more than one school.

4 Section 23 presently reads:

23(1) A board shall establish and maintain pursuant to the regulations a student record for each student enrolled in its schools.

(2) Subject to subsection (4), the following persons may review the student record maintained in respect of a student:

- (a) the student;*
- (b) the student's parent, except where the student is an independent student;*
- (c) a person who has access to the student under a separation agreement dated before this section comes into force or an access order under section 18 or 19 of the Provincial Court Act or under similar legislation, but not under a contact order under Part 2, Division 3, of the Family Law Act.*

(3) A person who is entitled to review a student record under subsection (2) 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.

(4) Where a student record contains

- (a) a test, a test result or an evaluation of a student that is given by a person who has a recognized expertise or training in respect of that test or evaluation, or*
- (b) information relating to a test, test result or evaluation referred to in clause (a),*

the individuals referred to in subsection (2) are entitled to the things referred to in subsection (5).

(5) If subsection (4) applies, the individuals referred to in subsection (2) are entitled

- (a) to review the test, test result or evaluation referred to in subsection (4)(a) or information referred to in subsection (4)(b), and*
- (b) to receive from a person who is competent to explain and interpret it an explanation and interpretation of that test, test result, evaluation or information.*

(6) If a person reviewing a student record referred to in subsection (4) so requests, the board shall ensure that a person who is competent to explain and interpret the test, test result, evaluation or

5 Section 28 is amended

(a) by repealing subsection (6) and substituting the following:

(6) The Minister may make regulations respecting private schools, including, without limitation, regulations

- (a) requiring the operator of a private school to provide to the Minister budgets and audited financial statements and information pertaining to the budgets and audited financial statements, including, without limitation, regulations
 - (i) requiring that the audited financial statements provided by an operator of a private school set out the remuneration, the benefits, the allowances and the expenses paid to or on behalf of the persons specified in the regulations;
 - (ii) respecting requirements for budgets and audited financial statements and other information required to be provided;

information is available to explain and interpret that test, test result, evaluation or information.

(7) A person who contributes information to a student record is exempt from any liability with respect to the provision of that information if that person, in providing that information,

(a) acted in good faith,

(b) acted within the scope of that person's duties and responsibilities, and

(c) did not act in a negligent manner.

(8) If, on examining a student record, a person is of the opinion that the student record contains inaccurate or incomplete information, that person may request the board to rectify the matter.

(9) The Minister may make regulations respecting student records.

5 Section 28 presently reads in part:

(6) The Minister may make regulations respecting private schools.

(7) Sections 16.1, 50.1 and 50.2 and section 123, in respect of appeals referred to in section 50.2, apply to a private school and its operation, and a reference in those provisions to a board is deemed to include a reference to the operator of a private school.

- (iii) requiring an operator of a private school and its employees to provide an auditor with access to all records, documents, books of account and vouchers of the operator of the private school and to provide any information or explanations the auditor considers necessary to carry out an audit;
 - (b) requiring the operator of a private school to provide specified classes of individuals with access to and copies of specified types of documents and information;
 - (c) respecting additional qualifications, including requirements for leadership certification, for principals of private schools.
- (b) in subsection (7) by striking out “50.1 and 50.2 and section 123” and substituting “50.1, 50.2 and 77 and section 123”.**

6 Section 30 is amended by adding the following after subsection (1):

(1.1) A board or person that provides an early childhood services program shall not enroll a child in an early childhood services program during a school year for the year of instruction immediately preceding grade 1 unless the child attains 5 years of age or older by December 31 of the school year, and for the purposes of that enrolment, shall not require that a child attain 5 years of age at any time before December 31 of the school year.

6 Section 30 presently reads:

30(1) A board or, with the approval of the Minister, a person may provide an early childhood services program to

- (a) a child who, as of September 1, is younger than 6 years of age, if the parent of the child agrees, or*
- (b) a student, if the parent of the student and the board are of the opinion that the program will benefit the student.*

(2) A person that provides an early childhood services program may charge fees in respect of the program from the parent of a child referred to in subsection (1)(a) who attends the program.

(2.1) A board that provides an early childhood services program may, subject to the regulations, charge fees in respect of the program from the parent of a child referred to in subsection (1)(a) who attends the program.

(3) If a child referred to in subsection (1)(a) attends a program under this section, the child is not, by reason of attending that program,

- (a) a resident student of the board, or*

7 The following is added before section 39:

Student records

38.1(1) Subject to the regulations, a board, an operator of a private school and an early childhood services program private operator shall establish and maintain a student record for each student enrolled in its schools.

(2) Subject to subsection (4), the following persons may review the student record maintained in respect of a student:

- (a) the student, except where the student is a child referred to in section 30(1)(a);
- (b) the student's parent, except where the student is an independent student;
- (c) a person who has access to the student under a separation agreement dated before October 1, 2005 or an access order under section 18 or 19 of the *Provincial Court Act* or under similar legislation, but not under a contact order under Part 2, Division 3, of the *Family Law Act*.

(3) A board, operator of a private school or early childhood services program private operator shall

- (a) on request provide a person who is entitled to review a student record under subsection (2) with access to the student record, and
- (b) on request and on receiving payment at the rate set by the board or operator, provide or send to a person who is entitled to review a student record under subsection (2) a copy of the student record.

(4) Where a student record contains

(b) entitled to any of the rights or benefits given to a student under this Act.

(4) The Minister may make regulations respecting early childhood services programs.

7 Student records.

- (a) a test, a test result or an evaluation of a student that is given by a person who has a recognized expertise or training in respect of that test or evaluation, or
- (b) information relating to a test, test result or evaluation referred to in clause (a),

the individuals referred to in subsection (2) are entitled to the things referred to in subsection (5).

(5) If subsection (4) applies, the individuals referred to in subsection (2) are entitled

- (a) to review the test, test result or evaluation referred to in subsection (4)(a) or information referred to in subsection (4)(b), and
- (b) to receive from a person who is competent to explain and interpret it an explanation and interpretation of that test, test result, evaluation or information.

(6) If a person reviewing a student record referred to in subsection (4) so requests, the board, operator of the private school or early childhood services program private operator shall ensure that a person who is competent to explain and interpret the test, test result, evaluation or information is available to explain and interpret that test, test result, evaluation or information.

(7) A person who contributes information to a student record is exempt from any liability with respect to the provision of that information if that person, in providing that information,

- (a) acted in good faith,
- (b) acted within the scope of that person's duties and responsibilities, and
- (c) did not act in a negligent manner.

(8) If, on examining a student record, a person is of the opinion that the student record contains inaccurate or incomplete information, that person may request the board, operator of the private school or early childhood services program private operator to rectify the matter.

(9) Notwithstanding section 30(3)(b), except as otherwise provided by this section or the regulations under subsection (10), the rights and benefits pertaining to a student under this section and the regulations under subsection (10) apply with respect to a child who is enrolled in an early childhood services program.

(10) The Minister may make regulations respecting student records.

8 Section 51 is amended

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

Transportation

51(1) Subject to the regulations, a board shall provide for the transportation of a student to and from the site of the school in which the board has enrolled the student if

- (a) the student resides within the attendance area established by the board under section 13,
- (b) the student resides within the boundaries of the district or division, and
- (c) the criteria, if any, set out in the regulations are met.

(b) by repealing subsection (2);

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

(3.1) Where in the opinion of the Minister it is reasonable to do so, the Minister may direct 2 or more boards to co-operate with respect to the transportation of students, and may, without limiting the foregoing, direct the boards to enter into specific transportation arrangements.

(d) by repealing subsection (4);

(e) by repealing subsection (5) and substituting the following:

8 Section 51 presently reads:

51(1) Subject to the regulations, a board shall provide for the transportation of a student to and from the site of the school in which the board has enrolled the student if the student resides

- (a) at a distance from the site of that school to be determined by the regulations,*
- (b) within the attendance area established by the board under section 13, and*
- (c) within the boundaries of the district or division.*

(2) The board is deemed to have complied with subsection (1) when transportation is provided on a route that is not more than 2.4 kilometres from the residence of the student.

(3) A board shall not charge the parent of a student receiving transportation provided by the board transportation fees unless the transportation fees are authorized by the regulations.

(4) In computing distances for the purposes of this section,

- (a) the official survey made under any Act of Canada or the Legislature relating to surveys shall be accepted as final and conclusive and all sections are deemed to be 1.6 kilometres square and no more,*
- (b) the width of road allowances shall be excluded from the computation, and*

(5) The Minister may make regulations respecting the transportation of students, including, without limitation, regulations respecting criteria for the purpose of subsection (1)(c), including, without limitation, criteria related to the age or grade of the student, the distance from the student's residence to the site of the school and other geographical considerations.

9 Section 62 is amended by adding the following after subsection (2):

(2.1) The Minister may, by order, establish requirements or standards that apply to agreements referred to in subsection (2)(b)(i) or (c).

(2.2) Where a board enters into an agreement referred to in subsection (2)(b)(i) or (c), the agreement must meet any requirements or standards established by the Minister.

(2.3) The *Regulations Act* does not apply to an order made under subsection (2.1).

(c) *the distance of a residence from a school or from a bus route is the shortest distance measured along a travelled road or public right of way between the school site or the bus route, as the case may be, and the nearest roadway access at the boundary of the quarter section or lot on which the student's parent resides.*

(5) *The Minister may make regulations respecting the transportation of students.*

9 Section 62 presently reads:

62(1) *A board may, without the approval of the Minister,*

(a) *enter into an agreement with*

(i) *a person, or*

(ii) *a joint committee established under section 63,*

respecting the provision of educational, managerial or other services with respect to the operation of schools;

(b) *with respect to its resident students, enter into an agreement with another board or person to provide education programs;*

(c) *enter into an agreement with another board, a non-profit organization or a municipality concerning the promotion and development of recreation and community services.*

(2) *A board may, with the prior approval of the Minister,*

(a) *enter into an agreement with*

(i) *the Government of Alberta or any agent of the Government of Alberta,*

(ii) *the Government of Canada or any agent of the Government of Canada, or*

(iii) *the government of any other jurisdiction or any agent of a government of any other jurisdiction,*

respecting the provision of educational services;

10 The following is added after section 78:

Code of conduct

78.1(1) A board shall develop and implement a code of conduct that applies to trustees of the board and that includes provisions respecting definitions of breaches and providing for sanctions for breaches, in accordance with principles set out by the Minister by order.

(2) An order of the Minister under subsection (1) must be made publicly available.

(b) enter into an agreement with the Government of Canada or any agency of the Government of Canada with respect to the education of

(i) Indian children, or

(ii) the children of members of the Canadian Forces or of other persons employed by the Government of Canada,

in a school operated by a board;

(c) enter into an agreement with a council of a band as defined in the Indian Act (Canada) with respect to the education of Indian children;

(d) enter into an agreement with an organization representing the residents of an unorganized territory for the provision of educational services by the board.

(3) If an agreement under subsection (2)(b), (c) or (d) provides for the appointment of one or more individuals resident in the unorganized territory to the board, those individuals are deemed on their appointment to be members of the board and to have all the rights and obligations of trustees as set out in the agreement.

(4) A board shall, on the request of an institution that has a program of teacher education authorized by the Minister, enter into an agreement with the institution permitting those individuals enrolled in the program of teacher education and their instructors to attend a classroom of a school operated by the board while the school is in session for the purpose of observing or student teaching.

10 Code of conduct.

(3) A trustee of a board shall comply with the board's code of conduct.

11 Section 88(3)(a) is amended by striking out "3 years" and substituting "4 years".

12 Section 94(1) is amended

(a) in clause (a)(i) by adding " , types or categories" after "classes";

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

(a.1) prescribing leadership certificate requirements for eligibility for designation as a principal;

(a.2) governing the issuing of leadership certificates, including, without limitation, regulations

(i) providing for the issuance of different classes, types or categories of certificates;

(ii) providing for the form and manner of application for a leadership certificate and the information to be provided with or in support of an application;

11 Section 88(3) presently reads:

- (3) An application under this section*
- (a) must be made within 3 years from the date on which the contravention is alleged to have occurred, and*
 - (b) may be commenced or continued notwithstanding that an election has been held between the time at which the disqualification is alleged to have arisen and the time at which the application is or was commenced and whether or not the person in respect of whom the application is being brought*
 - (i) resigns before or after the election,*
 - (ii) was re-elected in the election,*
 - (iii) was not re-elected or did not run in the election, or*
 - (iv) has completed a term of office.*

12 Section 94(1) presently reads:

- 94(1) The Minister may make regulations*
- (a) governing the issuing of certificates of qualification to teachers, including, without limitation, regulations*
 - (i) providing for the issuance of different classes of certificates;*
 - (ii) providing for the form and manner of application for a certificate and the information to be provided with or in support of an application;*
 - (iii) respecting education, training and experience, character and other eligibility requirements of applicants for certificates;*

- (iii) respecting education, training and experience, character and other eligibility requirements of applicants for leadership certificates;
 - (iv) authorizing the issuance of leadership certificates subject to terms and conditions;
 - (v) providing for procedural matters related to the issuance of leadership certificates, including the appointment of advisory bodies;
- (c) in clause (b) by striking out “issue a certificate” and substituting “issue a certificate of qualification as a teacher or a leadership certificate”;**
- (d) in clause (c)**
- (i) by striking out the portion preceding subclause (i) and substituting the following:**
 - (c) providing for and governing the means of dealing with allegations that a teacher is unskilled or incompetent in teaching or that a principal or other individual who holds a leadership certificate is unskilled or incompetent in carrying out the leadership duties related to that leadership certificate, or the means of dealing with complaints about alleged unprofessional conduct of a teacher or of a principal or other individual who holds a leadership certificate, other than a teacher, principal or other individual to whom the *Teaching Profession Act* applies, including, without limitation, regulations
 - (ii) in subclause (i) by adding “of a teacher” after “unprofessional conduct”;**
 - (iii) by adding the following after subclause (i):**
 - (i.1) governing what constitutes unprofessional conduct of a principal or other individual who holds a leadership certificate or the unskilled or incompetent carrying out of the leadership duties related to a leadership certificate;
 - (iv) in subclause (viii)**

- (iv) *authorizing the issuance of certificates subject to terms and conditions;*
- (v) *providing for procedural matters related to the issuance of certificates, including the appointment of advisory bodies;*
- (b) *governing appeals from a decision to refuse to issue a certificate, including, without limitation, regulations*
 - (i) *respecting the grounds on which an appeal may be made;*
 - (ii) *providing for the establishment of appeal panels and setting out their powers and duties;*
 - (iii) *providing for procedural and evidentiary matters related to the appeal process;*
 - (iv) *authorizing the Minister to accept, reject or vary the recommendations of an appeal panel and authorizing the Minister to take any action necessary to implement the Minister's decision;*
 - (v) *respecting the responsibility of the parties to an appeal for costs in respect of the appeal;*
- (c) *providing for and governing the means of dealing with allegations that a teacher is unskilled or incompetent in teaching, whether or not the teacher is a teacher to whom the Teaching Profession Act applies, or for the means of dealing with complaints about alleged unprofessional conduct of a teacher, other than a teacher to whom the Teaching Profession Act applies, including, without limitation, regulations*
 - (i) *governing what constitutes unprofessional conduct or unskilled or incompetent teaching;*
 - (ii) *respecting the form and manner in which a complaint or allegation is to be made;*
 - (iii) *authorizing a complaint or allegation to be dealt with notwithstanding the fact that the individual who is the subject of the complaint or allegation may no longer hold a certificate under this Act, and respecting the circumstances under which that kind of complaint or allegation may be dealt with;*

(A) in paragraph (C) by striking out “the certificate” and substituting “one or more certificates”;

(B) by repealing paragraph (D) and substituting the following:

(D) cancel one or more certificates of the individual who is the subject of the complaint or allegation, or cancel one or more certificates and issue a certificate of a different class, type or category;

(C) in paragraph (E) by striking out “a certificate” and substituting “one or more certificates”;

(e) in clause (e)

(i) by striking out “or Appeal Committee” and substituting “, Appeal Committee, Professional Practice Review Hearing Committee or Professional Practice Review Appeal Committee”;

(ii) by striking out “a certificate” and substituting “one or more certificates”.

- (iv) *respecting the investigation of complaints and allegations and the powers and duties of the person conducting the investigation or receiving the report of the person conducting the investigation, as the case may be;*
- (v) *respecting the establishment of panels to deal with complaints and allegations and respecting the powers and duties of those panels;*
- (vi) *respecting procedural and evidentiary matters in respect of the investigation of complaints and allegations and in respect of the business of the panels, including, without limitation, regulations*
 - (A) *providing for the taking of evidence under oath,*
 - (B) *providing for the compellability of witnesses,*
 - (C) *requiring persons to produce records and documents relevant to the subject-matter of a complaint or investigation, and*
 - (D) *authorizing proceedings for civil contempt of court to be brought against a person who fails to comply with a notice to attend a proceeding before a panel as a witness or a notice to produce records or documents, or who refuses to be sworn or to answer questions at a proceeding before a panel;*
- (vii) *authorizing a person conducting an investigation of a complaint or allegation to investigate any other matter related to the conduct of the individual who is the subject of the complaint or allegation that arises in the course of the investigation;*
- (viii) *authorizing the Minister, on receipt of a panel's recommendation, to do one or more of the following, whether or not that is the panel's recommendation:*
 - (A) *dismiss the complaint or allegation;*
 - (B) *serve a letter of reprimand on the individual who is the subject of the complaint or allegation;*

- (C) *suspend the certificate of the individual who is the subject of the complaint or allegation, with or without conditions;*
 - (D) *cancel the certificate of the individual who is the subject of the complaint or allegation, or cancel the certificate and issue a certificate of a different class;*
 - (E) *order that the individual who is the subject of the complaint or allegation be ineligible for a certificate for a definite or indefinite time, with or without conditions;*
- (d) *respecting the responsibility of the parties to a proceeding in respect of a complaint or allegation referred to in clause (c) for costs in respect of the proceeding;*
 - (e) *authorizing the Minister to accept, reject or vary the recommendations of a hearing committee or Appeal Committee under the Teaching Profession Act to cancel or suspend a certificate, and authorizing the Minister to take any action necessary to implement the Minister's decision;*
 - (f) *governing the publication of particulars regarding any recommendation or decision made in proceedings in respect of a complaint or allegation referred to in clause (c) or in proceedings under sections 17 to 65 of the Teaching Profession Act;*
 - (g) *authorizing the Minister to appoint a Registrar and other officials for the purpose of carrying out powers and duties under the regulations;*
 - (h) *requiring the Registrar to keep registers and records and respecting the information that is to be kept in the registers and records;*
 - (i) *respecting, authorizing and prohibiting the release of information in the Registrar's registers and records;*
 - (j) *authorizing the Registrar to delegate to any employee under the Minister's administration powers or duties of the Registrar that are specified in the regulations;*

13 Section 95 is amended by adding the following after subsection (1):

(1.1) A teacher who is designated as an acting principal must hold a leadership certificate prescribed by the regulations and issued under this Act.

14 Section 105(9) is amended by striking out “power of the Board” and substituting “power of the board”.

15 The following is added after section 106:

Termination of designation as principal

106.1 The designation of a teacher as a principal automatically terminates at the time that

- (a) the prescribed leadership certificate held by the principal is suspended or cancelled by the Minister, or
- (b) the prescribed leadership certificate held by the principal expires.

- (k) requiring the payment of fees in respect of any matter provided for under the regulations, including prescribing the amount of the fee or the manner in which and by whom the amount is determined and who must pay it;*
- (l) providing for the service of notices and documents in respect of matters and proceedings dealt with in the regulations.*

13 Section 95 presently reads:

95(1) Notwithstanding section 19, a board may

- (a) designate a teacher to be an acting principal for a period of not more than one year, and*
- (b) assign that acting principal to a school.*

(2) Where a board has assigned an acting principal under subsection (1), the board shall, within one year from the date of that assignment, assign a principal to that school.

14 Section 105(9) presently reads:

(9) Reinstatement under subsection (8) does not affect an appeal of the suspension to the Board of Reference under section 132 or in the absence of an appeal the power of the Board to investigate or terminate the contract of employment of the teacher in accordance with subsection (11).

15 Termination of designation as principal.

16 Section 109.1 is amended

(a) in subsection (1) by striking out “the operator of a private school or charter school” and substituting “charter school or the operator of a private school”;

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

(1.1) A superintendent of a school board or charter school or an operator of a private school shall make a report in writing to the Registrar regarding the suspension, termination, resignation or retirement from employment of a principal if the suspension, termination, resignation or retirement, as the case may be, results from conduct that brings into question the suitability of the principal to hold one or more certificates issued under this Act.

(1.2) A board or an operator of a charter school shall make a report in writing to the Registrar regarding the suspension, termination, resignation or retirement from employment of a superintendent if the suspension, termination, resignation or retirement, as the case may be, results from conduct that brings into question the suitability of the superintendent to hold one or more certificates issued under this Act.

(c) by repealing subsections (2) and (3) and substituting the following:

(2) If a report made under subsection (1) or (1.1) is in respect of a teacher or principal employed by a school board, the board shall make a complaint about the conduct of the teacher or principal pursuant to section 24 of the *Teaching Profession Act*.

(3) If a report made under subsection (1) or (1.1) is in respect of a teacher or principal employed by the operator of a private school or charter school, the operator of the private school or superintendent of the charter school shall make a complaint about the conduct of the teacher or principal pursuant to the applicable regulation under section 94.

(3.1) A school board or operator of a charter school that makes a report under subsection (1.2) shall make a complaint about the conduct of the superintendent pursuant to the applicable regulation under section 115.

16 Section 109.1 presently reads in part:

109.1(1) A superintendent of a school board or the operator of a private school or charter school shall make a report in writing to the Registrar regarding the suspension, termination, resignation or retirement from employment of a teacher if the suspension, termination, resignation or retirement, as the case may be, 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 24 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 superintendent of 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.

(d) in subsection (4)

(i) by adding “, (1.1) or (1.2)” after “subsection (1)”;

(ii) in clause (a) by adding “or a charter school” after “board”;

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

(a.1) a board,

(e) in subsection (5) by adding “, (1.1) or (1.2)” after “subsection (1)”;

(f) in subsection (6)

(i) by striking out “or (3)” and substituting “, (3) or (3.1)”;

(ii) by adding “, (1.1) or (1.2)” after “subsection (1)”.

17 Section 113 is amended by adding the following after subsection (1):

(1.1) Unless otherwise authorized under this Act, a board shall appoint as a superintendent of schools only a teacher who holds a superintendent leadership certificate prescribed by the regulations and issued under this Act.

(1.2) A teacher who is appointed as an acting superintendent must hold a superintendent leadership certificate prescribed by the regulations and issued under this Act.

18 The following is added after section 114(1):

(1.1) A contract of employment referred to in subsection (1) automatically terminates at the time that

(a) the prescribed superintendent leadership certificate held by the superintendent is suspended or cancelled by the Minister, or

(b) the prescribed superintendent leadership certificate held by the superintendent expires.

17 Section 113(1) presently reads:

113(1) Subject to the regulations, a board shall appoint an individual superintendent of schools for a period of not more than 5 years with the prior approval in writing of the Minister.

18 Section 114(1) presently reads:

114(1) A board shall not enter into a contract of employment or a contract renewing a contract of employment with an individual who is appointed as a superintendent under this section unless the contract includes a maximum term of not more than 5 years with no option to renew or extend the contract at the end of the term if the individual is not reappointed under this section.

19 Section 115 is repealed and the following is substituted:

Regulations

115(1) The Minister may make regulations respecting superintendents of schools, including, without limitation, regulations

- (a) respecting the qualifications, appointment and conditions of employment and termination of employment of superintendents of schools;
- (b) governing the issuing of superintendent leadership certificates, including, without limitation, regulations
 - (i) providing for the issuance of different classes, types or categories of superintendent leadership certificates;
 - (ii) providing for the form and manner of application for a superintendent leadership certificate and the information to be provided with or in support of an application;
 - (iii) respecting education, training and experience, character and other eligibility requirements of applicants for superintendent leadership certificates;
 - (iv) authorizing the issuance of superintendent leadership certificates subject to terms and conditions;
 - (v) providing for procedural matters related to the issuance of superintendent leadership certificates, including the appointment of advisory bodies;
- (c) governing appeals from a decision to refuse to issue a superintendent leadership certificate, including, without limitation, regulations
 - (i) respecting the grounds on which an appeal may be made;
 - (ii) providing for the establishment of appeal panels and setting out their powers and duties;

19 Section 115 presently reads:

115 The Minister may make regulations governing the qualifications, appointment and conditions of employment and termination of employment of superintendents of schools.

- (iii) providing for procedural and evidentiary matters related to the appeal process;
 - (iv) authorizing the Minister to accept, reject or vary the recommendations of an appeal panel and authorizing the Minister to take any action necessary to implement the Minister's decision;
 - (v) respecting the responsibility of the parties to an appeal for costs in respect of the appeal;
- (d) providing for and governing the means of dealing with allegations that a superintendent or other individual who holds a superintendent leadership certificate is unskilled or incompetent in carrying out the leadership duties related to that superintendent leadership certificate, or the means of dealing with complaints about alleged unprofessional conduct of a superintendent or other individual who holds a superintendent leadership certificate, including, without limitation, regulations
- (i) governing what constitutes unprofessional conduct of a superintendent or other individual who holds a superintendent leadership certificate or unskilled or incompetent carrying out of the leadership duties related to a superintendent leadership certificate;
 - (ii) respecting the form and manner in which a complaint or allegation is to be made;
 - (iii) authorizing a complaint or allegation to be dealt with notwithstanding the fact that the individual who is the subject of the complaint or allegation may no longer hold a certificate under this Act, and respecting the circumstances under which that kind of complaint or allegation may be dealt with;
 - (iv) respecting the investigation of complaints and allegations and the powers and duties of the person conducting the investigation or receiving the report of the person conducting the investigation, as the case may be;

- (v) respecting the establishment of panels to deal with complaints and allegations and respecting the powers and duties of those panels;
- (vi) respecting procedural and evidentiary matters in respect of the investigation of complaints and allegations and in respect of the business of the panels, including, without limitation, regulations
 - (A) providing for the taking of evidence under oath;
 - (B) providing for the compellability of witnesses;
 - (C) requiring persons to produce records and documents relevant to the subject-matter of a complaint or investigation;
 - (D) authorizing proceedings for civil contempt of court to be brought against a person who fails to comply with a notice to attend a proceeding before a panel as a witness or a notice to produce records or documents, or who refuses to be sworn or to answer questions at a proceeding before a panel;
- (vii) authorizing a person conducting an investigation of a complaint or allegation to investigate any other matter related to the conduct of the individual who is the subject of the complaint or allegation that arises in the course of the investigation;
- (viii) authorizing the Minister, on receipt of a panel's recommendation, to do one or more of the following, whether or not that is the panel's recommendation:
 - (A) dismiss the complaint or allegation;
 - (B) serve a letter of reprimand on the individual who is the subject of the complaint or allegation;
 - (C) suspend one or more certificates of the individual who is the subject of the complaint or allegation, with or without conditions;

- (D) cancel one or more certificates of the individual who is the subject of the complaint or allegation, or cancel one or more certificates and issue a certificate of a different class, type or category;
 - (E) order that the individual who is the subject of the complaint or allegation be ineligible for one or more certificates for a definite or indefinite time, with or without conditions;
- (e) respecting the responsibility of the parties to a proceeding in respect of a complaint or allegation referred to in clause (d) for costs in respect of the proceeding;
 - (f) governing the publication of particulars regarding any recommendation or decision made in proceedings in respect of a complaint or allegation referred to in clause (d);
 - (g) authorizing the Minister to appoint a Registrar and other officials for the purpose of carrying out powers and duties under the regulations;
 - (h) requiring the Registrar to keep registers and records and respecting the information that is to be kept in the registers and records;
 - (i) respecting, authorizing and prohibiting the release of information in the Registrar's registers and records;
 - (j) authorizing the Registrar to delegate to any employee under the Minister's administration powers or duties of the Registrar that are specified in the regulations;
 - (k) requiring the payment of fees in respect of any matter provided for under the regulations, including prescribing the amount of the fee or the manner in which and by whom the amount is determined and who must pay it;
 - (l) providing for the service of notices and documents in respect of matters and proceedings dealt with in the regulations.

(2) A regulation made under subsection (1) may be specific or general in its application.

20 Section 123(4) is repealed and the following is substituted:

(4) A person who, under section 38.1, may review a student record maintained by a board may appeal to the board a decision of an employee of the board respecting access to or the accuracy or completeness of the student record within a reasonable time from the date that the person was informed of the decision.

21 Section 124(3) is repealed and the following is substituted:

(3) A person who, under section 38.1, may review a student record maintained by a board may request in writing that the Minister review a decision of the board, whether made on an appeal to it or otherwise, respecting access to or the accuracy or completeness of the student record.

22 Section 131 is repealed and the following is substituted:

Board of Reference

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

20 Section 123(4) presently reads:

(4) A person who may review a student record under section 23 may appeal to a board a decision of an employee of the board respecting access to or the accuracy or completeness of the student record within a reasonable time from the date that the parent or student was informed of the decision.

21 Section 124(3) presently reads:

(3) A person who may review a student record under section 23 may request in writing that the Minister review a decision of the board, whether made on an appeal to it or otherwise, respecting access to or the accuracy or completeness of the student record.

22 Section 131 presently reads:

131(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,

(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.

23 Section 145 is repealed and the following is substituted:

Definitions

145 In this Part, “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement.

24 Section 152.1 is repealed and the following is substituted:

Interpretation

152.1 In this Division,

- (a) “person” includes a cooperative;
- (b) except in section 161(3), a reference to a separate school district includes a regional division made up only of separate school districts.

25 Section 157 is amended

- (a) **in subsections (1) and (2) by striking out “, cooperative or co-operative association” and substituting “or cooperative”;**
- (b) **by repealing subsection (4) and substituting the following:**
 - (4) The notice under subsection (1)(a) of a corporation that does not have shareholders or of a cooperative shall designate to the separate school district the proportion of the property of the corporation or cooperative in the district that is assessable for school purposes that the number of members who are separate school supporters bears to the total number of members.

23 Section 145 presently reads:

145 In this Part,

- (a) "auditor" means a person registered under the Registered Accounting Profession Act or a firm or partnership of those persons;*
- (b) "person" includes a co-operative association and a cooperative.*

24 Section 152.1 presently reads:

152.1 In this Division, except in section 161(3), a reference to a separate school district includes a regional division made up only of separate school districts.

25 Section 157 presently reads in part:

157(1) A corporation, cooperative or co-operative association, by notice under section 156 at any time, may require

- (a) that a portion of its property be entered and assessed for separate school purposes in accordance with this section if it has shareholders or members of the same faith as those who established a separate school district in which it has property, or*
- (b) that all of the property it has in the municipality be entered and assessed for public school purposes.*

(2) Notwithstanding subsection (1), a corporation, cooperative or co-operative association shall not give a written notice referred to in section 156 or withdraw a notice already given on or after a board of a school district or division passes a resolution authorizing a plebiscite under Part 6 in respect of a district or division that includes the property referred to in the notice unless

26 Section 161(3)(c) is amended by striking out “, a cooperative or a co-operative association” and substituting “or a cooperative”.

27 Section 191(2) is amended by striking out “3-year period” and substituting “4-year period”.

- (a) *the resolution is withdrawn by the board,*
 - (b) *the school electors 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 190(2), whichever occurs first.*
- (4) *The notice under subsection (1)(a) of a corporation or cooperative that does not have shareholders or of a co-operative association shall designate to the separate school district the proportion of the property of the corporation, cooperative or co-operative association in the district that is assessable for school purposes that the number of members who are separate school supporters bears to the total number of members.*

26 Section 161(3) presently reads:

- (3) *For the purposes of this section, if a separate school district lies in whole or in part within a municipality,*
- (a) *the assessment of property of an individual that is assessable for separate school purposes shall pertain to the separate school district in accordance with section 154 and any notice given under section 156,*
 - (b) *the assessment of property of an individual that is assessable for public school purposes shall pertain to the public school district in accordance with section 154 and any notice given under section 156, and*
 - (c) *the assessment of property of a corporation, a cooperative or a co-operative association shall be apportioned between the separate school district and the public school district in accordance with the notice given under section 156.*

27 Section 191(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 Divisions 2 and 2.1 of Part 8 are repealed and the following is substituted:

**Division 2
Establishment and Disestablishment
of Separate School Districts**

Definitions

212 In this Division,

- (a) “community information meeting” means a meeting referred to in section 214.1;
- (b) “initiating separate school electors” means the separate school electors referred to in section 213 who initiate the process to establish a separate school district;
- (c) “operating separate school board” means
 - (i) the school board that, pursuant to section 221(2)(b), provides services to the separate school region in which the newly established separate school district is to be located, or
 - (ii) if no separate school region has been established in the area in which the newly established separate school district is to be located, an individual or a separate school board designated by the Minister;
- (d) “petitioners” means the initiating separate school electors who provide a petition for the establishment of a separate school district in accordance with section 214(3);
- (e) “public school board” means the public school district or division operating in the area in which a newly established separate school district is to be located;
- (f) “separate school elector” means an individual who,
 - (i) where a separate school district is not established,
 - (A) is an elector of the public school district, and

28 Establishment and disestablishment of separate school districts; establishment of separate school regions.

(B) declares that the individual is of the same faith, whether Protestant or Roman Catholic, as those in the minority in the public school district,

and

(ii) where a separate school district is established, declares that the individual is of the same faith as those who established the separate school district, whether Protestant or Roman Catholic, and is an elector of that separate school district;

(g) “separate school establishment area” means the separate school establishment area determined in accordance with section 213.1;

(h) “separate school region” means a separate school region established pursuant to section 221(2).

Right to establish separate school district

212.1 The separate school electors in any public school district where a separate school district is not established may establish a separate school district within that public school district in accordance with this Division.

Intention to establish

213(1) Where no fewer than 3 of the separate school electors referred to in section 212.1 wish to establish a separate school district, they shall initiate the process by

(a) notifying the Minister in writing of their intention to proceed with the establishment of a separate school district, and

(b) providing a copy of the notification referred to in clause (a) to the operating separate school board, the public school board and the municipality or municipalities in which the public school district is located.

(2) The Minister may make regulations prescribing the time by which the initiating separate school electors must provide the Minister with a copy of the notification referred to in subsection (1)(a).

Separate school establishment area

213.1(1) The initiating separate school electors, the operating separate school board and the public school board shall meet to collectively determine the boundaries of the separate school establishment area in accordance with the regulations and, if agreement is reached, notify the Minister in writing in a form acceptable to the Minister respecting the proposed separate school establishment area.

(2) If the proposed separate school establishment area meets the requirements of the regulations, the Minister shall approve the proposed separate school establishment area as the area that will form the separate school district if it is established in accordance with this Division.

(3) If the initiating separate school electors, the operating separate school board and the public school board are not able to agree within the time limits set out in the regulations on the boundaries of the area that will form the separate school district, or if the proposed separate school establishment area does not meet the requirements of the regulations, the Minister shall declare a separate school establishment area, and may, subject to the regulations, declare the separate school establishment area to be

- (a) the public school district in which the initiating separate school electors reside, and
- (b) all the public school districts that are
 - (i) contiguous to the public school district in which the initiating separate school electors reside,
 - (ii) located in the separate school region, and
 - (iii) located within the boundaries of the public school board.

(4) The Minister may make regulations

- (a) respecting the process and criteria for determining a separate school establishment area;
- (b) respecting the requirements for a separate school establishment area;

- (c) respecting the time within which agreement must be reached on the boundaries of a proposed separate school establishment area;
- (d) respecting the provision of a proposed separate school establishment area to the Minister.

Petition for establishment

214(1) Where the Minister has approved or made a declaration respecting a separate school establishment area under section 213.1, and the initiating separate school electors wish to proceed with the establishment of a separate school district, the initiating separate school electors shall, in accordance with subsection (2), prepare a petition for the establishment of a separate school district based on that separate school establishment area.

(2) The petition for the establishment of a separate school district must

- (a) be signed by no fewer than 3 of the initiating separate school electors,
- (b) provide evidence satisfactory to the Minister that the separate school electors are of the same faith, whether Protestant or Roman Catholic, as those in the minority in the separate school establishment area, and
- (c) be in the form prescribed by the Minister.

(3) The initiating separate school electors shall provide

- (a) the petition for establishment to the Minister, and
- (b) copies of the petition to the operating separate school board and the public school board.

Community information meeting

214.1(1) Where a petition has been provided to the Minister in accordance with section 214(3), the petitioners, the operating separate school board and the public school board shall arrange for a community information meeting to be held for the purpose of providing information with respect to the process and operational implications of the establishment of a separate school district.

(2) Notice of the date, time and location of the community information meeting must be published in accordance with the regulations.

(3) The community information meeting must be conducted in accordance with the regulations.

(4) No vote respecting the establishment of a separate school district may be conducted at the community information meeting.

(5) The meeting shall be chaired by an individual designated by the Minister.

(6) The Minister may make regulations respecting a community information meeting, including, without limitation, regulations respecting

- (a) the time period within which the meeting must be held;
- (b) the content of notices of the meeting, the manner of publishing and posting the notices and the responsibility for the notices;
- (c) the conduct of the meeting, including, without limitation, regulations respecting the appointment and duties of a secretary and time for questions and discussion;
- (d) who may attend and participate in the meeting;
- (e) the information to be provided to the Minister respecting the meeting and the time within which the information must be provided.

Vote respecting establishment

215(1) After a community information meeting has been held, the petitioners may proceed with the establishment of a separate school district by requesting that the operating separate school board call a vote of the separate school electors who reside in the separate school establishment area for the purpose of determining whether the separate school district should be established.

(2) Only the separate school electors who reside in the separate school establishment area are eligible to vote on the establishment of the separate school district.

(3) Notice respecting a vote on the establishment of the separate school district must be

- (a) in the form prescribed by the Minister,
- (b) made public in accordance with the regulations, and
- (c) at least 10 days prior to the date set out in the notice of the vote, served in accordance with the regulations on the public school board.

(4) The vote on the establishment of the separate school district must be

- (a) held on a date separate from and subsequent to the date of the community information meeting, and
- (b) conducted in accordance with the regulations.

(5) The Minister may make regulations respecting the vote on the establishment of a separate school district, including, without limitation, regulations respecting

- (a) the publication and service of notice in advance of the vote;
- (b) the means of identification of those separate school electors eligible to vote;
- (c) the method of voting;
- (d) the wording of the question on the ballot;
- (e) the hours of the poll;
- (f) the appointment, number and duties of returning officers and the assignment of duties to returning officers;
- (g) the payment of returning officers;
- (h) the assignment of duties to persons other than the returning officers.

Minimum requirements for binding vote

216(1) In order for the vote on the establishment of a separate school district to be binding, a minimum of 25% of the separate school electors eligible to vote must cast a ballot on the question.

(2) The vote on the establishment of a separate school district must be decided by a majority of the ballots validly cast, and, in the case of an equality of votes, the question is deemed to be decided in the negative.

Notification to Minister, electors, etc.

216.1(1) The returning officer shall, within 10 days from the date of the vote, send the following to the Minister:

- (a) a copy of the notice calling the vote;
- (b) proof, in the form required by the Minister, that the notice respecting the vote was made public in accordance with the regulations;
- (c) proof, in the form required by the Minister, of the service of the notice under section 215(3)(c);
- (d) proof satisfactory to the Minister that those who participated in the vote are eligible separate school electors;
- (e) the declaration of the returning officer with respect to the result of the vote, which must include a statement that the minimum participation for a binding vote as set out in section 216 was met.

(2) The returning officer shall, as set out in the regulations, provide notice of the results of the vote on the establishment of a separate school district to the operating separate school board, the public school board and the municipality or municipalities in which the public school district is located.

(3) The Minister may make regulations respecting the provision of notice of the results of the vote.

Establishment of district

217(1) Where the majority of the separate school electors who cast valid ballots voted in favour of the establishment of a separate school district, the Minister shall by order establish the separate

school district with the same boundaries as those of the separate school establishment area.

(2) The Minister shall make an order in subsection (1) effective on September 1 of the year determined in accordance with the regulations.

(3) The Minister may make regulations respecting the determination of the year in which the order in subsection (1) is to become effective.

Effect of establishment

218(1) The order establishing the separate school district must give it a name in the following form:

The _____ Separate School District No. _____.

(2) If there is a separate school region in which the newly established separate school district is located, the Minister shall, in accordance with section 239, add the newly established separate school district to the regional division or school district to which the operating separate school board provides services.

(3) If there is no separate school region in which the newly established separate school district is located, the Minister shall

- (a) add the newly established separate school district to another separate regional division or another separate school district, as determined by the Minister, in accordance with section 239, or
- (b) establish a new regional division in accordance with section 224.1.

(4) 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 declares that the person is of the same faith as those who established that district, whether Protestant or Roman Catholic, is a resident of the separate school district.

Vote against establishment

219 If the majority of the separate school electors who voted in accordance with section 215 voted against the establishment of a separate school district, no further vote on the establishment of a separate school district may be held until at least

- (a) one year from the date of the vote on establishment if less than 60% of the valid ballots were cast against the establishment of a separate school district, or
- (b) 2 years from the date of the vote on establishment if 60% or more of the valid ballots were cast against the establishment of a separate school district.

Disestablishment of separate school district

220(1) A board of a regional division or separate school district

- (a) may pass a resolution requesting the Minister to disestablish a separate school district within the boundaries of the regional division or separate school district, or
- (b) may of its own volition or shall, if at least 25% of the separate school electors of the separate school district petition the board to disestablish the district, conduct a plebiscite to determine whether the separate school district should be disestablished.

(2) A board shall conduct a plebiscite not more than 60 days after

- (a) the date on which it passes a resolution under subsection (1)(b), or
- (b) the date of receipt of a petition referred to in subsection (1)(b).

(3) A board shall

- (a) provide notice of a plebiscite as set out in the regulations, and
- (b) conduct a plebiscite as set out in the regulations.

(4) After a plebiscite, a board shall, as required in the regulations, provide a report to the Minister respecting

- (a) the notice given before the plebiscite,
- (b) the process by which the plebiscite was conducted, and
- (c) the outcome of the plebiscite.

(5) The Minister

- (a) shall, on receiving the report of a board made pursuant to subsection (4), or
- (b) may, if there are no separate school electors or the Minister receives a resolution under subsection (1)(a),

by order, disestablish the separate school district, and on that disestablishment, the former separate school district residents become residents of the public school board within which they reside.

(6) The Minister may make regulations respecting a plebiscite, including, without limitation, regulations

- (a) respecting who may vote;
- (b) respecting the wording of the question for the plebiscite;
- (c) respecting notice of the plebiscite;
- (d) respecting the process and requirements for conducting the plebiscite;
- (e) respecting reporting to the Minister after the plebiscite.

**Division 2.1
Establishment of Separate
School Regions**

Establishment of separate school region

221(1) In this Division, “separate school region” means a separate school region established pursuant to subsection (2).

(2) The Minister may, by order, do one or both of the following:

- (a) establish any portion of Alberta as a separate school region;
- (b) provide for services by a separate school board in a separate school region.

(3) The order establishing a separate school region must describe the boundaries of the separate school region and give it a name in the following form:

The _____ Separate School Region No. _____.

- (4) A separate school region may have only one separate school board.
- (5) The Minister may exclude any portion of Alberta from a separate school region.

29 The following is added after section 224:

Regional division with newly established separate school district

224.1(1) The Minister may by order establish a regional division consisting of a separate school district newly established under section 217(1) and one or more districts, divisions or other areas governed by boards.

(2) The order establishing a regional division shall give the regional division a name and number in the following form:

The _____ Regional Division No. _____.

- (3) An order under subsection (1) may deal with any matter and include any term or condition that the Minister considers necessary.
- (4) An order under subsection (1) applies as if it were a regional agreement.
- (5) A separate school district that is newly established under section 217(1) is one ward in the regional division created under subsection (1).
- (6) The Minister may appoint the first trustees of the board of the regional division.
- (7) The trustees appointed under subsection (6) hold office until the first organizational meeting of the board of the regional division held after the first general election held after the regional division is established.
- (8) The Minister may establish a regional division under subsection (1) only with the consent of the petitioners referred

29 Regional division re separate school district, district, division, area governed by board.

to in section 214 and the consent of all other districts or divisions that will be part of the regional division.

(9) Sections 228 to 235 do not apply to a regional division established under subsection (1).

30 Section 251 is amended

(a) in subsection (2)

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

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

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

31 The following provisions are amended by striking out “, cooperative or co-operative association” wherever it occurs and substituting “or cooperative”:

section 156(5), (6), (8)(b) and (9);
section 158(b);
section 159(1), (3) and (4);
section 160;
section 162;
section 163(1) and (2)(a);
section 192(3) and (4).

Amends RSA 2000 cT-2

32(1) The *Teaching Profession Act* is amended by this section.

(2) The heading before section 8 is amended by striking out “Government” and substituting “Governance”.

(3) Section 8(2)(a)(iii) is amended

30 Section 251(2) and (3) presently read:

(2) Notwithstanding subsection (1),

(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.

(3) 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.

31 Replaces “, cooperative or co-operative association” with “or cooperative”.

32 Amends chapter T-2 of the Revised Statutes of Alberta 2000. The heading preceding section 8 and sections 8, 42 and 56 presently read in part:

(a) in paragraph (D) by adding the following after subparagraph (II):

(II.1) a member's professional competence in carrying out leadership duties related to a leadership certificate issued under the *School Act*;

(b) by adding the following after subparagraph (E):

(E.1) the recommendations that may be made to the Minister respecting one or more of the member's leadership certificates under the *School Act*;

(4) Sections 42(1)(c) and 56(a) are amended by striking out “the teaching certificate of the investigated person” and substituting “one or more certificates issued to the investigated person under the *School Act*”.

Government of Association

8(1) The association in general meeting may pass bylaws not inconsistent with this Act or any Act or regulation of Alberta concerning

(g.1) the competence of its members, including the assessment of the professional competence of its members by means of a professional practice review process;

(2) Without restricting the generality of subsection (1)(g.1), a bylaw passed under subsection (1)(g.1) may

(a) provide for and govern

(iii) with respect to matters before a committee referred to in this clause,

(D) the orders or decisions that may be made concerning

(I) matters relating to the hearing or the process;

(II) a teacher's professional competence;

(III) membership in the association;

(E) the recommendations that may be made to the Minister respecting a teacher's certificate of qualification under the School Act;

42(1) If a hearing committee finds that the conduct of an investigated person constitutes unprofessional conduct, the hearing committee may do any one or more of the following:

(c) recommend that the Minister cancel or suspend the teaching certificate of the investigated person;

56 The executive secretary shall in each case forward to the Minister the decision of the Appeal Committee or, if there has been no appeal to the Appeal Committee, the decision of a hearing committee where

(a) the decision includes a recommendation that the Minister cancel or suspend the teaching certificate of the investigated person, or

Transitional

33(1) If proceedings for the establishment or dissolution of a separate school district are in progress under Division 2 of Part 8 of the *School Act* as it read immediately before the coming into force of this section, and, on or before August 31, 2018, the Minister has received

- (a) in respect of establishment proceedings, the information referred to in section 218 of the *School Act*, as it read immediately before the coming into force of this section, or
- (b) in respect of dissolution proceedings, the resolution or report referred to in section 221(1)(a) or (4), respectively, of the *School Act*, as it read immediately before the coming into force of this section,

Division 2 of Part 8 of the *School Act* as it read immediately before the coming into force of this section continues to apply in respect of the proceedings.

(2) If proceedings for the establishment or dissolution of a separate school district are in progress under Division 2 of Part 8 of the *School Act* as it read immediately before the coming into force of this section, and, on or before August 31, 2018, the Minister has not received

- (a) in respect of establishment proceedings, the information referred to in section 218 of the *School Act*, as it read immediately before the coming into force of this section, or
- (b) in respect of dissolution proceedings, the resolution or report referred to in section 221(1)(a) or (4), respectively, of the *School Act*, as it read immediately before the coming into force of this section,

the proceedings are terminated.

Transitional

33 Transitional.

Coming into force

34(1) Sections 8, 10, 28, 29 and 33 come into force on September 1, 2018.

(2) Sections 3, 12, 13, 15 to 19 and 32 come into force on September 1, 2019.

(3) Section 6 comes into force on September 1, 2020.

Coming into force

34 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To