

2017 Bill 6

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 6

NORTHLAND SCHOOL DIVISION ACT

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 6

2017

NORTHLAND SCHOOL DIVISION ACT

(Assented to _____, 2017)

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

Interpretation

1(1) In this Act,

- (a) “board” means the board of trustees of the Division;
- (b) “Division” means Northland School Division No. 61;

- (c) “school council” means a school council established under section 22 of the *School Act* for a school operated by the board;
- (d) “ward” means a ward in the Division established under section 3.

(2) Unless otherwise provided in this Act, words and expressions used in this Act have the same meaning as in the *School Act* and the *Local Authorities Election Act*.

Boundaries

2(1) Notwithstanding anything in the *School Act*, the Division shall consist of

- (a) the school districts included in the Division by virtue of the order of the Minister constituting the Division, and
- (b) all that part of Alberta lying north of the north boundary of township 55, excepting from that area any lands contained in
 - (i) any other school division,
 - (ii) any regional division,
 - (iii) any district not included in a school division or school district in the Division, and
 - (iv) any Indian reserve.

(2) Nothing in this Act precludes the Minister from time to time

- (a) amending the order dated December 9, 1960, constituting the Division or making a new order constituting the Division in substitution for that order, or
- (b) constituting, dissolving or altering any school district or any other school division.

Wards

3 The Minister may, by order, divide the Division into no fewer than 7 wards and no more than 11 wards.

Board of trustees

- 4(1)** The board of trustees of the Division is continued as a corporation under the name of The Board of the Northland School Division No. 61.
- (2)** Subject to section 62(3) of the *School Act*, the board of trustees consists of the trustees elected under this section.
- (3)** One trustee is to be elected in each ward.

Powers and duties of board

- 5(1)** Subject to this Act, the board has all the powers and duties of a board of trustees under the *School Act*.
- (2)** The board shall establish a formal engagement process for engaging with
- (a) the wards,
 - (b) First Nations, Metis and other communities with respect to which the board provides educational services,
 - (c) Treaty 8 First Nations of Alberta,
 - (d) the Metis Settlements General Council, and
 - (e) the Council of School Councils

with respect to the establishment of the board's strategic direction.

- (3)** The board shall ensure that it engages with the wards, communities and organizations referred to in subsection (2) in accordance with the process established under that subsection at least once within the 12-month period immediately following each general election.
- (4)** The Council of School Councils referred to in subsection (2)(e) is a meeting of representatives of the school councils in the Division.
- (5)** The board may establish a process for the selection of one or more members of each school council to attend the Council of School Councils.

School councils: honoraria for Elders

6 The board may provide for the payment of honoraria to school council members who are Elders.

Ward councils

7(1) Each ward shall have a ward council that consists of the trustee from the ward, a member of each school council in the ward and other persons that may become members as provided for in the policy referred to in subsection (2).

(2) The board shall establish a policy governing ward councils that includes, without limitation, provisions respecting

- (a) the eligibility of persons, other than the trustee and school council members referred to in subsection (1), to be members and the number, selection, term of office, disqualification and replacement of members,
- (b) the number of meetings required to be held by a ward council,
- (c) the administration of ward councils, and
- (d) the payment of travelling and other expenses to members and of honoraria to members who are Elders.

(3) A ward council shall advise the board respecting any matter relating to the board's strategic direction and policy in the ward.

(4) A member of a ward council who is an Elder may receive honoraria in accordance with the policy provisions established under subsection (2)(d), but no other member of a ward council shall receive any remuneration for acting as a member of the ward council.

Candidate and voter eligibility

8(1) In addition to the persons who may be nominated as candidates under the *Local Authorities Election Act*, a person is eligible to be nominated as a candidate in an election for a trustee of the board if on nomination day the person

- (a) is eligible to vote in the election under this section,

- (b) has resided in Alberta for the 6 consecutive months immediately preceding nomination day,
- (c) is resident on an Indian reserve in respect of which an agreement entered into by the board under section 62(2)(b) or (c) of the *School Act* respecting the education of persons referred to in section 62(2)(b)(i) or (c) of that Act is in effect, and
- (d) is not otherwise ineligible or disqualified.

(2) In addition to the persons who are eligible to vote under the *Local Authorities Election Act*, a person is eligible to vote in an election to elect a trustee of the board if the person

- (a) is at least 18 years old,
- (b) is a Canadian citizen,
- (c) has resided in Alberta for the 6 consecutive months immediately preceding election day, and
- (d) on election day is resident on an Indian reserve in respect of which an agreement entered into by the board under section 62(2)(b) or (c) of the *School Act* respecting the education of persons referred to in section 62(2)(b)(i) or (c) of that Act is in effect.

(3) The board with the approval of the Minister may, by bylaw, designate

- (a) the ward in which persons who are eligible under subsection (1) may be nominated as candidates, and
- (b) the ward in which persons who are eligible under subsection (2) may vote.

(4) A person who is eligible to be nominated as a candidate by virtue of subsection (1) is eligible to be nominated as a candidate only in the ward designated under subsection (3)(a).

(5) A person who is eligible to vote by virtue of subsection (2) is eligible to vote only in the ward designated under subsection (3)(b).

(6) A bylaw passed under subsection (3) or any bylaw that amends or replaces it does not apply to the general election next following the passing of the bylaw unless it is passed before March 1, or

another date specified by order of the Minister, in the year in which that general election is held.

Application of School Act and Local Authorities Election Act

9(1) Subject to this Act and the regulations, the *School Act* and the *Local Authorities Election Act* and the regulations under those Acts apply with respect to the Division.

(2) The Lieutenant Governor in Council may make regulations

- (a) providing that a provision or part of a provision of the *School Act* or the *Local Authorities Election Act*, or a provision or part of a provision of a regulation under either of those Acts, does not apply with respect to the Division to the extent specified in the regulations;
- (b) modifying a provision or part of a provision of the *School Act* or the *Local Authorities Election Act*, or a provision or part of a provision of a regulation under either of those Acts, insofar as the provision or the part of the provision applies with respect to the Division.

Transitional

10(1) In this section, “former Act” means the *Northland School Division Act*, RSA 2000 cN-5.

(2) The local school board committees established under the former Act

- (a) are continued on the coming into force of this Act, and
- (b) are dissolved at the end of the day on June 30, 2017.

(3) A local school board committee may continue to exercise the powers set out in section 9 of the former Act until the end of the day on June 30, 2017.

(4) Notwithstanding any other enactment, a person who, under the former Act, holds office as a member, chair or secretary of a local school board committee immediately before the coming into force of this Act remains in office but only until

- (a) the end of the day on June 30, 2017,

- (b) the person resigns, or
- (c) the person is not qualified to continue to hold office under section 6(1) of the former Act,

whichever occurs first.

(5) A member of a local school board committee who ceases to hold office as a member under subsection (3) shall not be replaced, but, in the event that the chair or secretary of the local school board committee ceases to hold office before the end of the day on June 30, 2017, a local school board committee may appoint another of its members to act as chair or secretary until the end of the day on June 30, 2017.

Repeal

11 The *Northland School Division Act*, RSA 2000 cN-5, is repealed.

