

2019 Bill 8

First Session, 30th Legislature, 68 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 8

EDUCATION AMENDMENT ACT, 2019

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 8

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2019

EDUCATION AMENDMENT ACT, 2019

(Assented to _____, 2019)

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

Amends SA 2012 E-0.3

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

2 The preamble is amended by adding the following after the
9th recital:

WHEREAS the Government of Alberta recognizes the
importance of teaching essential knowledge to help students
develop foundational competencies;

3 Section 1(1)(w) is repealed and the following is substituted:

- (w) “resident student” means an individual who is entitled to
have access to an education program under section 3 and
who is a resident student as determined under section 4;

Explanatory Notes

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

2 The preamble presently reads in part:

WHEREAS the Government of Alberta recognizes the importance of an inclusive education system that provides each student with the relevant learning opportunities and supports necessary to achieve success;

WHEREAS the Government of Alberta recognizes the need to smooth the transition for students between secondary education and post-secondary education or entry into the workforce;

WHEREAS the Government of Alberta recognizes the importance of enabling high quality and socially engaging learning opportunities with flexible timing and pacing through a range of learning environments to meet diverse student needs and to maximize student success;

3 Section 1(1)(w) presently reads:

1(1) In this Act,

4 Section 3 is amended

- (a) by renumbering it as section 3(1);
- (b) in subsection (1)(a) by striking out “21 years” and substituting “19 years”;
- (c) by adding the following after subsection (1):
 - (2) A board may permit an individual
 - (a) who at September 1 in a year is younger than 6 years of age or older than 18 years of age, and
 - (b) who complies with subsection (1)(b) and (c),to have access in that year to an education program in accordance with this Act.

5 Section 4 is repealed and the following is substituted:

Resident student

- 4(1)** Subject to this section, a student is a resident student of the board of the school division in which the student’s parent resides.
- (2) For the purposes of this section and section 59,
 - (a) a student who is in the care of a foster parent under the *Child, Youth and Family Enhancement Act* is deemed to be a resident student of the board of the school division in which the foster parent resides, unless subsection (5) applies, and
 - (b) a student who has a disability and is the subject of an agreement under the *Family Support for Children with Disabilities Act* is deemed to be a resident student of the board of the school division in which the student resides.

- (w) *“resident student” means a person who is entitled under section 3 to have access to an education program and who meets the requirements of section 4;*

4 Section 3 presently reads:

3 Every person

- (a) *who at September 1 in a year is 6 years of age or older and younger than 21 years of age,*
- (b) *who is a resident of Alberta, and*
- (c) *who has a parent who is a resident of Canada,*

is entitled to have access in that school year to an education program in accordance with this Act.

5 Section 4 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 during the school year.

(2) Subject to this section, every student is a resident student of a board of a public school division.

(3) Where a separate school district is established, a student residing within the boundaries of the separate school district is a resident student of the board of the separate school division responsible for operating the separate school district if

- (a) *the student’s parent, if the student has only one parent, declares that the parent is of the same faith as those who established that district, whether Protestant or Roman Catholic, or*

(3) Subject to this section, every student is a resident student of a board of a public school division.

(4) Where a separate school district is established, an individual residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic,

- (a) is a resident of the separate school division responsible for operating the separate school district, and
- (b) is not a resident of the public school division.

(5) A child intervention worker under the *Child, Youth and Family Enhancement Act* may deem a student to be a resident student of the board that represents the faith of the student if

- (a) the student is in the care of a foster parent under the *Child, Youth and Family Enhancement Act*,
- (b) the faith of the student, whether Protestant or Roman Catholic, differs from the faith of the foster parent, and
- (c) the foster parent resides in an area where a separate school district has been established.

(6) If a student

- (a) is under 16 years of age and is not the subject of an order or agreement under the *Child, Youth and Family Enhancement Act*, and
- (b) is a child in respect of whom financial assistance is being provided under section 105.8 of the *Child, Youth and Family Enhancement Act*,

the student is a resident student of the board of the school division in which the student resides.

(7) The following students are resident students of the Government:

- (a) a student who resides in unorganized territory and who is not an Indian as defined in the *Indian Act* (Canada)

- (b) the student's parents, if the student has two parents, declare that they are both of the same faith as those who established that district, whether Protestant or Roman Catholic.*
- (4) If a student referred to in subsection (3) has two parents, one of whom declares that that parent is of the same faith as those who established the separate school district, whether Protestant or Roman Catholic, and one of whom has not made such a declaration, the parents shall choose whether the student is a resident student of the board of the separate school division or of the public school division, and*
- (a) the student is a resident student of the board of the chosen school division,*
 - (b) the student shall attend the school the student is directed to attend by the board of the chosen school division in accordance with section 10, and*
 - (c) the board of either school division may require that the choice of the parents remain in effect during the school year in respect of which it is made.*
- (5) A director under the Child, Youth and Family Enhancement Act may deem a student to be a resident student of the board of a separate school division where the student indicates that the student is of the same faith as those who established the separate school district and if*
- (a) the student is in the care of a foster parent under the Child, Youth and Family Enhancement Act,*
 - (b) the faith of the student, whether Protestant or Roman Catholic, differs from the faith of the foster parent,*
 - (c) the foster parent resides in an area where a separate school district has been established, and*
 - (d) the student is a child in respect of whom financial assistance is being provided under section 105.8 of the Child, Youth and Family Enhancement Act.*
- (6) The following students are resident students of the Government:*

residing on a reserve pursuant to the *Indian Act* (Canada);

- (b) a student in custody under the *Corrections Act*, the *Corrections and Conditional Release Act* (Canada), the *Youth Justice Act* or the *Youth Criminal Justice Act* (Canada) who resides in an institution or a group home prescribed by the Minister as an institution or a group home to which this clause applies;
- (c) a student
 - (i) who is in the custody or under the guardianship of the Crown under the *Child, Youth and Family Enhancement Act*, and
 - (ii) who resides in an institution or a group home prescribed by the Minister as an institution or a group home to which this clause applies that is operated or approved by the Government;
- (d) a student who is under long-term medical care who resides or is placed in a program in an institution that is under the control, direction or administration of the Government.

(8) If each parent is a resident of a different school division,

- (a) the parents must choose in writing one of those school divisions,
- (b) the student is a resident student of the board of the chosen school division,
- (c) the student must attend the school the student is directed to attend by the board of the chosen school division in accordance with section 10, and
- (d) the board of either school division may require that the choice of the parents remains in effect during the school year in respect of which it is made.

(9) If a parent is limited by law in exercising an authority under subsection (8)(a) and that parent is a resident of a school division different than that of the other parent, the other parent

- (a) *a student who resides in unorganized territory and who is not an Indian as defined in the Indian Act (Canada) residing on a reserve pursuant to the Indian Act (Canada);*
- (b) *a student in custody under the Corrections Act, the Corrections and Conditional Release Act (Canada), the Youth Justice Act or the Youth Criminal Justice Act (Canada) who resides in an institution or a group home prescribed by the Minister as an institution or a group home to which this clause applies;*
- (c) *a student*
 - (i) *who*
 - (A) *is in the custody of a director, or*
 - (B) *has a guardian appointed,*
 - under the Child, Youth and Family Enhancement Act, and*
 - (ii) *who resides in an institution or a group home prescribed by the Minister as an institution or a group home to which this clause applies that is operated or approved by the Government;*
- (d) *a student who is under long-term medical care who resides or is placed in a program in an institution that is under the control, direction or administration of the Government.*

(7) If the residence of a student changes after the commencement of a school year, the parent of the student shall designate the student to be a resident student of one of the following for the balance of that school year:

- (a) *the board of the school division in which the student resides after the change,*
- (b) *the board of the school division in which the student resided immediately before the change, or*
- (c) *the Government if the student*
 - (i) *resides in unorganized territory after the change, or*

may choose which of the 2 divisions in which the student is to attend school, and subsection (8)(b) to (d) apply.

(10) If the parents referred to in subsection (8) do not choose a school division under subsection (8), the Minister shall designate the board of a school division of which one parent is a resident as the board of which the student is a resident student.

(11) If the residence of the parent of a student changes after the commencement of a school year, the parent must designate the student to be a resident student of one of the following for the balance of that school year:

- (a) the board of the school division in which the student resides after the change,
- (b) the board of the school division in which the student resided immediately before the change, or
- (c) the Government if the student
 - (i) resides in unorganized territory after the change, or
 - (ii) resided in unorganized territory immediately before the change.

(12) If a parent of a student dies and, as a result of the death, the student no longer has a living parent who is a resident of the school division of whose board the student is a resident student, the student may remain a resident student of that board notwithstanding subsections (1) to (11).

(13) If there is a dispute as to the number of resident students of a board, the Minister may determine the number or the method to be used to calculate the number.

(14) If there is a dispute as to the residency of a student, the Minister may determine that the student is a resident student of a particular board.

6 Section 7 is amended

- (a) in subsection (1)(c) by striking out “17 years” and substituting “16 years”;**

(ii) *resided in unorganized territory immediately before the change.*

(8) *If there is a dispute as to the residency of a student, the Minister may determine that the student is a resident student of a particular board.*

6 Section 7 presently reads in part:

7(1) Every person who

(b) in subsection (2) by striking out “17 years” and substituting “16 years”.

7 Section 27(1)(e) is amended by adding “, 59, 59.1” after “sections 51”.

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

(1.1) Section 33(1)(d), (2) and (3) apply to an accredited private school and a board referred to in section 33(1)(d), (2) and (3) is deemed to include a person responsible for the operation of an accredited private school.

(a) *is a resident of Alberta and has a parent who is a resident of Canada,*

(b) *at September 1 in a year is 6 years of age or older, and*

(c) *subject to subsection (2), is younger than 17 years of age,*

shall attend school.

(2) Subsection (1)(c) does not apply to a person who is younger than 17 years of age who has attained high school completion in accordance with the requirements prescribed in an order of the Minister under section 18.

7 Section 27(1) presently reads in part:

27(1) The following provisions and any regulations made under them apply to a charter 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 operator of a charter school or a member of the governing body of the operator of a charter school, as the case may be:

(e) *Part 4 except sections 51 and 62, Division 4, section 87(1)(a) and (2), section 91(b) and (c) and sections 92 to 96;*

8 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) and (4);*

(c) *in Part 2, sections 16, 17, 18, 29 and 30;*

9 Section 32(e) is amended by striking out “specialized”.

10 Section 33(1)(e) is amended by striking out “specialized”.

11 The following is added after section 33:

Exemption from section 33

33.1 The Lieutenant Governor in Council may, by order, exempt an accredited private school or a class of accredited private schools from the operation of all or part of section 33.

12 Section 37(10)(b) is amended by striking out “specialized”.

- (d) *in Part 3, sections 31, 32 and 35.1, section 42, except subsection (3), in respect of appeals referred to in section 58.2, and Division 7;*
- (e) *in Part 4, sections 56, 58.1, 58.2, 66 and 70;*
- (f) *in Part 7, sections 201 and 218;*
- (g) *in Part 8, sections 243, 244, 246, 254 and 259.*

9 Section 32 presently reads in part:

32 A parent has the prior right to choose the kind of education that shall be provided to the parent's child, and as a partner in education, has the responsibility to

- (e) *co-operate and collaborate with school staff to support the delivery of specialized supports and services to the child,*

10 Section 33(1) presently reads in part:

33(1) A board, as a partner in education, has the responsibility to

- (e) *provide a continuum of specialized supports and services to students that is consistent with the principles of inclusive education,*

11 Exemption from section 33.

12 Section 37(10) presently reads:

(10) When a student is expelled under this section, the board shall

- (a) *ensure that the student is provided with a supervised education program consistent with the requirements of this Act and the regulations,*

13 Section 49(1)(d) is amended by striking out “a director” and substituting “a child intervention worker”.

14 Section 56(7) is amended by striking out “childhold” and substituting “childhood”.

15 Section 59 is amended

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

Transportation

59(1) Subject to the regulations, a board must 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 for the school,
- (b) the student resides within the boundaries of the school division, and
- (c) the criteria, if any, set out in the regulations are met.

(b) by repealing subsection (4);

- (b) *ensure that the student is provided with specialized supports and services in accordance with section 33(1)(e), and*
- (c) *make all reasonable efforts to ensure the attendance of the student in accordance with section 7.*

13 Section 49(1) presently reads in part:

49(1) On hearing a matter referred to it, the Attendance Board may, subject to any terms or conditions that the Attendance Board considers proper in the circumstances, make an order doing one or more of the following:

- (d) *reporting the matter to a director under the Child, Youth and Family Enhancement Act;*

14 Section 56(7) presently reads:

(7) Where in accordance with the regulations a board or a person other than a board providing an early childhood services program is required to transfer a student record, the board or the person other than the board providing the early childhood services program shall do so in a timely manner.

15 Section 59 presently reads in part:

59(1) Subject to the regulations, a board shall establish, maintain and implement a policy respecting the safe and appropriate transportation of students.

(4) Where a board enters into an agreement with a parent of a student under which the parent conveys the student to and from school or the bus route and the parent receives payment for conveying the student, the board is not under any liability to the parent or the student for any negligence arising out of the student's being conveyed pursuant to the agreement.

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

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

- (5)** The Minister may make regulations
- (a) setting out criteria respecting the transportation of students that must be met by boards including criteria related to the age or grade of the student, the distance from the student's residence to the site of the school and any other geographical considerations;
 - (b) respecting the transportation of students generally.

16 The following is added after section 59:

Transport by parent

59.1(1) A board may, instead of providing transportation under section 59, enter into an agreement with the parent of the student under which the parent will

- (a) convey the student to and from school or the bus route, and
- (b) receive payment, as determined by the board, for providing that service.

(2) A board is not under any liability to the parent of a student or to a student for negligence arising out of the student's being conveyed to and from school or the bus route pursuant to an agreement made under this section.

17 Section 76 is amended

- (a) in subsection (2) by striking out** "March 1 in the year in which that general election is held" **and substituting** "December 31 in the year prior to that general election being held";
- (b) in subsection (2.2) by striking out** "March 1 in an election year" **and substituting** "December 31 in the year prior to an election year".

16 Transport by parent.

17 Section 76 presently reads in part:

(2) A bylaw passed under this section

- (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.*

18 Division 2 of Part 5 is repealed and the following is substituted:

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

Definitions

98 In this Division,

- (a) “community information meeting” means a meeting referred to in section 103;
- (b) “initiating separate school electors” means the separate school electors referred to in section 100 who initiate the process to establish a separate school district;
- (c) “operating separate school board” means
 - (i) the school board that, pursuant to section 123(1)(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 102(3);
- (e) “public school board” means the public school 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,

(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 Repeals and replaces Part 5, Division 2, Establishment and Disestablishment of Separate School Districts.

(A) is an elector of the public school district, and

(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 101;

(h) “separate school region” means a separate school region established pursuant to section 123(2).

Right to establish separate school district

99 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

100(1) Where no fewer than 3 of the separate school electors referred to in section 99 wish to establish a separate school district, they must 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

- (a) prescribing the time by which notice must be provided to the Minister under subsection (1)(a) for the establishment of a proposed separate school district, and
- (b) prescribing the time by which a copy of the notice under subsection (1)(b) must be provided to the operating separate school board, the public school board and the municipality or municipalities in which the public school district is located.

Separate school establishment area

101(1) The initiating separate school electors, the operating separate school board and the public school board must 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

102(1) Where the Minister has approved or made a declaration respecting a separate school establishment area under section 101, and the initiating separate school electors wish to proceed with the establishment of a separate school district, the initiating separate school electors must, 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 must 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

103(1) Where a petition has been provided to the Minister in accordance with section 102(3), the petitioners, the operating separate school board and the public school board must 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 must 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

104(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

105(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.

106(1) The returning officer must, 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 104(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 requirements for a binding vote as set out in section 105 were met.

(2) The returning officer must, 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

107(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

108(1) The order establishing the separate school district must give it a name in the following form:

The _____ Separate School District.

(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 114, add the newly established separate school district to the separate school division to which the operating separate school board provides services.

(3) Subject to subsection (4), if there is no separate school region in which the newly established separate school district is located, the Minister shall add the newly established separate school district to another separate school division, as determined by the Minister, in accordance with section 114.

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

(a) on the request of the petitioners and the public school division may establish a new school division in accordance with section 112(2), or

(b) shall add the newly established separate school district as set out in subsection (3).

(5) 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

109 If the majority of the separate school electors who voted in accordance with section 104 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

110(1) A board of a school division established under section 112(2) or a board of a separate school division

- (a) may pass a resolution requesting the Minister to disestablish a separate school district within the boundaries of the school division established under
 - (i) section 112(2), or
 - (ii) a separate school division, or
- (b) may of its own volition or must, 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 must conduct a plebiscite not more than 60 days after

- (a) the date on which it passes a resolution under subsection (1)(a), or
- (b) the petition is made under subsection (1)(b).

(3) A board must

- (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 must, 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.

19 Section 135(1)(a)(iv) is repealed and the following is substituted:

- (iv) is a resident of Alberta and resides in the Francophone education region on election day,

20 Section 197 is amended by adding the following after clause (a):

- (a.1) provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging,

19 Section 135(1)(a) presently reads:

135(1) For the purposes of this Act and the Local Authorities Election Act, an individual is eligible to vote in an election of trustees of a Francophone regional authority if

- (a) the individual*
 - (i) is a Francophone,*
 - (ii) is 18 years of age or older,*
 - (iii) is a Canadian citizen, and*
 - (iv) has been a resident of Alberta for the 6 consecutive months immediately preceding election day and resides in the Francophone education region on election day,*
- or*

20 Section 197 presently reads:

197 A principal of a school must

- (a) provide instructional leadership in the school,*
- (b) ensure that the instruction provided by the teachers employed in the school is consistent with the courses and programs of study prescribed, approved or authorized pursuant to this Act,*
- (c) evaluate or provide for the evaluation of programs offered in the school,*
- (d) ensure that students in the school have the opportunity to meet the standards of education set by the Minister,*
- (e) direct the management of the school,*
- (f) maintain order and discipline in the school and on the school grounds and during activities sponsored or approved by the board,*
- (g) promote co-operation between the school and the community that it serves,*

21 Section 201(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) respecting additional qualifications of principals, including 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,

(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, and

(v) providing for procedural matters related to the issuance of leadership certificates, including the appointment of advisory bodies;

(c) in clause (b) by adding “of qualification as a teacher or a leadership certificate” after “certificate”;

- (h) *supervise the evaluation and advancement of students,*
- (i) *evaluate the teachers employed in the school, and*
- (j) *subject to any applicable collective agreement and the principal's contract of employment, carry out the duties that are assigned to the principal by the board in accordance with the regulations and the requirements of the school council and the board.*

21 Section 201(1) presently reads:

201(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 and character and other eligibility requirements of applicants for certificates,*
 - (iv) *authorizing the issuance of certificates subject to terms and conditions, and*
 - (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,*

(d) by repealing clause (c) 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 who is subject to the disciplinary provisions set out under the *Teaching Profession Act*, including, without limitation, regulations
 - (i) governing what constitutes unprofessional conduct of a teacher or unskilled or incompetent teaching,
 - (ii) 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,
 - (iii) respecting the form and manner in which a complaint or allegation is to be made,
 - (iv) 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 complaint or allegation may be dealt with,
 - (v) respecting the investigation of complaints and allegations and the powers and duties of a person conducting the investigation or receiving the report of the person conducting the investigation, as the case may be,
 - (vi) respecting the establishment of panels to deal with complaints and allegations and respecting the powers and duties of those panels,

- (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, and*
 - (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,*
 - (iv) *respecting the investigation of complaints and allegations and the powers and duties of a person conducting an investigation or receiving the report of a person conducting an investigation,*
 - (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,*

- (vii) 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 allegation, 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,
- (viii) 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,
- (ix) 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;

- (B) *providing for the compellability of witnesses,*
- (C) *requiring persons to produce records and documents relevant to the subject-matter of a complaint or allegation, 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 qualification of the individual who is the subject of the complaint or allegation, with or without conditions;*
 - (D) *cancel the certificate of qualification 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 is ineligible for a certificate of qualification for a definite or indefinite time, with or without conditions;*
- (e) *authorizing the Minister to accept, reject or vary the recommendations of a hearing committee or the Professional*

- (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) by repealing clause (e) and substituting the following:

- (e) authorizing the Minister to accept, reject or vary the recommendations of a committee established under the *Teaching Profession Act* to cancel or suspend one or more certificates, and authorizing the Minister to take any action necessary to implement the Minister's decision;

22 Section 202 is amended by adding the following after subsection (1):

- (1.1)** Unless otherwise authorized by this Act, a board must designate as a principal only a teacher who holds a leadership certificate prescribed by the regulations and issued pursuant to this Act.

23 Section 203 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.

24 The following is added after section 214:

Termination of designation as principal

- 214.1** The designation of a teacher as a principal automatically terminates at the time that

Conduct 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;

22 Section 202 presently reads:

202(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.

23 Section 203 presently reads:

203(1) Notwithstanding section 202, 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.

24 Termination of designation as principal.

- (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.

25 Section 218 is repealed and the following is substituted:

Duty to report

218(1) In this section,

- (a) “executive secretary” means the executive secretary as defined in the *Teaching Profession Act*;
- (b) “Registrar” means the Registrar appointed under the regulations.

(2) A superintendent or the person responsible for the operation of a private school must make a report in writing to the Registrar regarding the suspension, termination, resignation or retirement from employment of a teacher, principal or other individual if the suspension, termination, resignation or retirement, as the case may be, results from conduct that brings into question the suitability of the teacher, principal or other individual to hold one or more certificates prescribed by the regulations and issued pursuant to this Act.

(3) A board must 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.

(4) If a report made under subsection (2) is in respect of a teacher, principal or other individual who is employed by the board and who is subject to the disciplinary provisions set out under the *Teaching Profession Act*, the board must make a complaint about the teacher’s, principal’s or other individual’s conduct pursuant to section 24 of the *Teaching Profession Act*.

(5) If a report made under subsection (2) is in respect of a teacher, principal or other individual who is employed by

25 Section 218 presently reads:

218(1) In this section,

(a) “executive secretary” means the executive secretary as defined in the Teaching Profession Act;

(b) “Registrar” means the Registrar appointed under the regulations.

(2) A superintendent, the person responsible for the operation of a private school or the 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 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 certificate of qualification as a teacher.

(3) If a report made under subsection (2) 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.

(4) If a report made under subsection (2) is in respect of a teacher employed by the person responsible for the operation of a private school or the operator of a charter school, the person responsible or operator shall make a complaint about the teacher’s conduct pursuant to section 9 of the Practice Review of Teachers Regulation (AR 11/2010).

(5) No action lies against any of the following in respect of any report made under subsection (2) in good faith when acting or purporting to act under this Act or the regulations:

(a) a superintendent;

(b) the person responsible for the operation of a private school or operator of a charter school;

- (a) a board and who is not subject to the disciplinary provisions set out under the *Teaching Profession Act*,
- (b) the person responsible for the operation of a private school, or
- (c) the operator of a charter school,

the superintendent, the person responsible for the operation of the private school or the operator of the charter school must make a complaint about the teacher's, principal's or other individual's conduct pursuant to the applicable regulation made under sections 201 and 224.

(6) A board that makes a report under subsection (3) must make a complaint about the conduct of the superintendent pursuant to the applicable regulation under section 224.

(7) No action lies against any of the following in respect of any report made under subsection (2) or (3) in good faith when acting or purporting to act under this Act or the regulations:

- (a) a superintendent;
- (b) a board;
- (c) the person responsible for the operation of a private school or the operator of a charter school;
- (d) a person appointed as an official trustee;
- (e) the executive secretary;
- (f) a person who acts on the instruction of, or under the supervision of, a person referred to in clauses (a) to (e).

(8) No action for defamation may be founded on a report made under subsection (2) or (3) in good faith.

(9) If a complaint under subsection (4), (5) or (6) is dismissed, the Registrar must remove

- (a) from the teacher's, principal's or other individual's file the corresponding report made under subsection (2), and

- (c) a person appointed as an official trustee;*
 - (d) the executive secretary;*
 - (e) a person who acts on the instruction of, or under the supervision of, a person referred to in clauses (a) to (d).*
- (6) No action for defamation may be founded on a report made under subsection (2) in good faith.*
- (7) If a complaint under subsection (3) or (4) is dismissed, the Registrar shall remove from the teacher's file the corresponding report made under subsection (2).*

- (b) from the superintendent's file the corresponding report made under subsection (3).

26 Section 222 is amended

- (a) **in subsection (1) by adding** "with the prior approval in writing of the Minister" **after** "5 years";

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

- (1.1) Unless otherwise authorized under this Act, a board must 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.

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

- (2) Where a board applies for the Minister's approval under subsection (1), it must give to the Minister, in the form and containing the information required by the Minister, notice of its intention to appoint the superintendent.

27 Section 223 is repealed and the following is substituted:

Term of appointment

223(1) A board may enter into a contract of employment or a contract renewing a contract of employment with an individual who is appointed as a superintendent only if 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 unless the individual is reappointed under this section.

(2) 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

26 Section 222 presently reads in part:

222(1) Subject to the regulations, a board shall appoint an individual as a superintendent of schools for a period of not more than 5 years.

(2) The board shall provide the Minister with notice, in writing, of the appointment of a superintendent.

27 Section 223 presently reads:

223(1) A board may enter into a contract of employment or a contract renewing a contract of employment with an individual who is appointed as a superintendent only if 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 unless the individual is reappointed under this section.

(2) If a board reappoints a superintendent named in a contract referred to in subsection (1), the board shall provide the Minister with notice, in writing, of the reappointment.

(3) A reappointment of a superintendent must be for a period of not more than 5 years.

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

(3) If a board intends to reappoint a superintendent named in a contract referred to in subsection (1), the board must, not less than 6 months before the contract ends, give to the Minister, in the form and containing the information required by the Minister, notice of its intention to reappoint the superintendent.

(4) A reappointment of a superintendent must be for a period of not more than 5 years.

(5) The Minister may approve or refuse to approve a reappointment under subsection (3), in any form the Minister considers appropriate, not more than one month after the Minister is notified under subsection (3).

(6) If the Minister refuses to approve a reappointment under subsection (3), the Minister shall give the board reasons in writing for the refusal.

(7) If the Minister refuses to approve a reappointment under subsection (3), the board must appoint another individual as superintendent of schools in accordance with section 222.

(8) This section applies to a contract renewing a contract of employment whether or not the original contract was entered into before this section comes into force.

28 Section 224 is repealed and the following is substituted:

Regulations

224(1) The Minister may make regulations respecting superintendents of schools, including regulations

- (a) respecting the qualifications, appointment and conditions of employment and the termination of employment of superintendents of schools;
- (b) governing the issuing of superintendent leadership certificates, including, without limitation, regulations

(4) This section applies to a contract renewing a contract of employment whether or not the original contract was entered into before this section comes into force.

28 Section 224 presently reads:

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

- (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, and
 - (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,
 - (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, and
 - (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 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 allegation, 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, and
- (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.

29 Section 260(5) is amended by striking out “March 31, 2017” and substituting “December 31, 2020”.

30 The following is added after section 260:

29 Section 260(5) presently reads:

(5) A board referred to in subsection (4) shall confirm or amend the boundaries of its existing wards or electoral subdivisions by March 31, 2017.

30 Transitional regulation-making powers; consequential changes to regulations.

Transitional regulation-making powers

260.1(1) In this section, “former Act” means the *School Act*, RSA 2000 cS-3, as it read immediately before the coming into force of this section.

(2) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of anything under the former Act, including the interpretation of any transitional provision in this Act;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from the former Act.

(3) A regulation made under subsection (2) may be made retroactive to the extent set out in the regulation.

(4) A regulation made under subsection (2) is repealed 3 years after the regulation comes into force.

(5) The repeal of a regulation under subsection (2) does not affect anything done under the authority of the regulation before the repeal of the regulation.

Consequential changes to regulations

260.2(1) The Lieutenant Governor in Council may, by regulation, amend the regulations filed under the *Regulations Act* to reflect changes made by this Act.

(2) An amendment made under subsection (1) may be made even though the regulation being amended was made by a member of the Executive Council or some other body or person.

31 The following is added before section 261:

Amends SA 2002 cA-4.5

260.3(1) The *Adult Interdependent Relationships Act* is amended by this section.

(2) Section 72 is repealed.

31 Amends SA 2002 cA-4.5.

32 Section 264(3)(b) is repealed.

33 The following is added after section 264:

Amends RSA 2000 cA-42

264.1(1) The *Apprenticeship and Industry Training Act* is amended by this section.

(2) Section 1(m)(ii) is amended

(a) by repealing paragraph (A) and substituting the following:

(A) a board as defined in the *Education Act*;

(b) in paragraph (A.1) by striking out “*School Act*” and substituting “*Education Act*”;

(c) by repealing paragraph (A.2) and substituting the following:

(A.2) a person responsible for the operation of a private school as defined in the *Education Act*;

Amends SA 2013 cC-12.5

264.2(1) The *Children First Act* is amended by this section.

(2) Section 21 is repealed.

Amends SA 2018 cC-13.3

264.3(1) The *City Charters Fiscal Framework Act* is amended by this section.

32 Section 264(3) presently reads:

(3) Section 6 is amended

- (a) in subsection (1) by striking out “a board of trustees of a non-divisional school district or of a school division is a member of the association if the district or division is in Alberta” and substituting “a board of trustees of a school division is a member of the association if the school division is in Alberta”;*
- (b) in subsection (3) by striking out “The Minister of Learning” and substituting “The Minister of Education”.*

33 Amends RSA 2000 cA-42, SA 2013 cC-12.5 and SA 2018 cC-13.3.

(2) The Schedule is amended in section 1(1)(b)

- (a) in subclause (i) by striking out** “section 174 of the *School Act*” **and substituting** “section 167 of the *Education Act*”;
- (b) in subclause (ii) by striking out** “*School Act*” **and substituting** “*Education Act*”.

34 Section 266 is repealed and the following is substituted:

Amends RSA 2000 cE-1

266(1) The *Election Act* is amended by this section.

(2) Section 4 is amended

- (a) in subsection (2)(c) by striking out** “a school district or division or an operator of a private school or charter school” **and substituting** “a school division or a person responsible for the operation of a private school or the operator of a charter school”;
- (b) in subsection (2.01) by striking out** “*School Act*” **and substituting** “*Education Act*”.

(3) Section 13.1 is amended

- (a) in subsection (6) by striking out** “a school district or division or an operator of a private school or charter school” **and substituting** “a school division or a person responsible for the operation of a private school or the operator of a charter school”;
- (b) in subsection (7) by striking out** “*School Act*” **and substituting** “*Education Act*”.

(4) Section 46(1)(e) is repealed and the following is substituted:

- (e) trustees of a board of a school division under the *Education Act*;

(5) Section 52(4) is amended by striking out “school district or school division” **and substituting** “school division”.

34 Amends RSA 2000 cE-1.

35 The following is added after section 271:

Amends SA 2003 cl-0.5

271.1(1) The *Income and Employment Supports Act* is amended by this section.

(2) The Schedule is amended

- (a) in section 4(c)(ii) by striking out “*School Act*” and substituting “*Education Act*”;**
- (b) in section 5(c)(ii) by striking out “*School Act*” and substituting “*Education Act*”.**

36 Section 272 is repealed and the following is substituted:

Amends RSA 2000 cl-11

272(1) The *Irrigation Districts Act* is amended by this section.

(2) Section 1(aa)(iv) is repealed and the following is substituted:

- (iv) the board of trustees of a school division under the *Education Act*, and**

37 Section 275 is amended by adding the following after subsection (1):

(1.1) Section 1(e)(ii) is amended by adding “of school divisions under the *Education Act*” after “board of trustees”.

38 The following is added after section 275:

Amends SA 2007 cL-20.5

275.1(1) The *Lobbyists Act* is amended by this section.

(2) Section 3(1)(k) is amended by striking out “boards of trustees under the *School Act*” and substituting “boards of trustees of school divisions under the *Education Act*”.

35 Amends SA 2003 cI-0.5.

36 Amends RSA 2000 cI-11.

37 Section 275 presently reads in part:

275(1) The Libraries Act is amended by this section.

(2) Section 1(o) is amended by striking out “school district, school division or regional division” and substituting “school division”.

38 Amends SA 2007 cL-20.5.

39 Section 276 is amended

- (a) by repealing subsection (5)(c);
- (b) by repealing subsections (10) and (11).

40 Section 279 is amended

- (a) by repealing subsection (2) and substituting the following:
 - (2) Section 1(1)(m)(iv) is repealed and the following is substituted:
 - (iv) the board of trustees of a school division under the *Education Act*;
- (b) by adding the following after subsection (6):
 - (6.1) Section 303.1(g) is amended by striking out “section 156 of the *School Act*” and substituting “section 147 or 148 of the *Education Act*”;
- (c) by adding the following after subsection (12):
 - (13) Section 648(1.1) is amended by striking out “*School Act*” and substituting “*Education Act*”.

39 Section 276 presently reads in part:

(5) Section 22 is amended

(a) in subsection (1.1)

(i) by striking out “school board” and substituting “board of a school division”;

(ii) in clause (a) by striking out “district or”;

(b) in subsections (3) and (5.1) by striking out “school board” and substituting “board of a school division”;

(c) in subsection (6.1) by striking out “school district or division” and substituting “school division”.

(10) Section 118(2) is amended by striking out “school board trustee” and substituting “trustee of a board of a school division”.

(11) Section 147.1(1)(g)(vi) is repealed and the following is substituted:

(vi) a board as defined in the Education Act,

40 Section 279 presently reads in part:

279(1) The Municipal Government Act is amended by this section.

(2) Section 1(1)(m)(iv) is amended by striking out “district or division as defined in the School Act” and substituting “school division as defined in the Education Act”.

(6) Section 303(g) is amended by striking out “section 156 of the School Act” and substituting “section 147 or 148 of the Education Act”.

(12) Section 616(bb) is amended by striking out “a school district, school division or regional division” and substituting “a school division”.

41 Section 280 is repealed and the following is substituted:

Amends SA 2017 cN-5.1

280(1) The *Northland School Division Act* is amended by this section.

(2) Section 1 is amended

(a) in subsection (1)

(i) in clause (b) by striking out “No. 61”;

(ii) in clause (c) by striking out “section 22 of the *School Act*” and substituting “section 55 of the *Education Act*”;

(b) in subsection (2) by striking out “*School Act*” and substituting “*Education Act*”.

(3) Section 2 is amended

(a) in subsection (1)

(i) by striking out “*School Act*” and substituting “*Education Act*”;

(ii) by repealing clause (b)(ii);

(b) in subsection (2)(b) by striking out “any school district or any other school division” and substituting “any school district within the Division or any other school division”.

(4) Section 4 is amended

(a) in subsection (1) by striking out “No. 61”;

(b) in subsection (2) by striking out “section 62(3) of the *School Act*” and substituting “section 84 of the *Education Act*”.

(5) Section 5(1) is amended by striking out “*School Act*” and substituting “*Education Act*”.

(6) Section 8 is amended

41 Section 280 presently reads:

280(1) The Northland School Division Act is amended by this section.

(2) Section 1(2) is amended by striking out “School Act” and substituting “Education Act”.

(3) Section 2 is amended

(a) in subsection (1)

(i) by striking out “School Act” and substituting “Education Act”;

(ii) in clause (b) by adding “and” at the end of subclause (i) and repealing subclause (ii);

(b) in subsection (2)(b) by striking out “any school district or any other school division” and substituting “any school district within the Division or any other school division”.

(4) Section 4(1)(b) is amended by striking out “a district or division” and substituting “a school division”.

(5) Section 6 is amended

(a) in subsection (1) by striking out “Division 3 of Part 3 of the School Act” and substituting “Division 5 of Part 4 of the Education Act”;

(b) in subsection (3) by striking out “Division 3 of Part 3 of the School Act” and substituting “Division 5 of Part 4 of the Education Act”.

(6) Section 9(1)(a) is amended by striking out “School Act” and substituting “Education Act”.

(7) Section 11(1) is amended by striking out “School Act” and substituting “Education Act”.

(8) Section 14 is repealed and the following is substituted:

Application of provisions of the Education Act

14 Division 5 of Part 4 and sections 64, 75, 80 and 81 of the Education Act also apply to a local school board committee as if it were a board of trustees under the Education Act.

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

(c) is resident on an Indian reserve in respect of which an agreement entered into by the board under section 63 of the *Education Act* is in effect, and

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

(d) on election day is resident on an Indian reserve in respect of which an agreement entered into by the board under section 63 of the *Education Act* is in effect.

(7) Section 9 is amended by striking out “*School Act*” wherever it occurs and substituting “*Education Act*”.

42 Section 282(3)(a) is amended by striking out “subsection (1)” and substituting “subsection (1)(a)”.

43 Section 283.1(2) is amended in the new clause (c)(iv) by striking out “*Education Grants Regulation (AR 120/2008)*” and substituting “*Government Organization Act*”.

(9) Section 15 is amended by striking out “School Act” wherever it occurs and substituting “Education Act”.

42 Section 282(3) presently reads:

(3) Section 18.1 is amended

(a) in subsection (1)

(i) by striking out “school board” and substituting “board”;

(ii) by striking out “School Act” and substituting “Education Act”;

(b) in subsections (2) and (3) by striking out “school board, an operator of” and substituting “board, a person responsible for the operation of”.

43 Section 283.1(2) presently reads:

(2) Section 1(c) is repealed and the following is substituted:

(c) “education body” means

(i) a board as defined in the Education Act,

(ii) a board as defined in the Northland School Division Act,

44 Section 287 is amended

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

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

(b) by repealing subsection (4) and substituting the following:

(4) Section 8(2) is amended

(a) in clause (a)(iii)

(i) 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 *Education Act*;

(ii) in paragraph (E) by striking out “School Act” and substituting “Education Act”;

(iii) by adding the following after paragraph (E):

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

(b) in clause (b) by striking out “School Act” and substituting “Education Act”.

(c) by adding the following after subsection (6):

(7) 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 *Education Act*”.

45 Section 288 is amended by striking out the following:

Lobbyists Act

3(1)(k)

- (iii) *a Francophone regional authority as defined in the Education Act,*
- (iv) *a person responsible for the operation of a private school registered under the Education Act that receives a grant under the Education Grants Regulation (AR 120/2008), and*
- (v) *the operator of a charter school established under the Education Act;*

44 Section 287 presently reads in part:

287(1) The Teaching Profession Act is amended by this section.

(4) Section 8(2)(a)(iii)(E) and (b) are amended by striking out “School Act” and substituting “Education Act”.

(6) Section 23 is amended

(a) in subsection (1)(a)(i) by striking out “School Act” and substituting “Education Act”;

(b) in subsection (3) by striking out “sections 96 to 104 or section 111(1) of the School Act” and substituting “sections 204 to 212 or section 220(1) of the Education Act”.

45 Amends table.

46 Section 289 is amended by adding the following after clause (d):

(e) *School Amendment Act, 2017, SA 2017 c28.*

47 Section 290 is amended by striking out “Proclamation” and substituting “September 1, 2019”.

46 Section 289 presently reads:

289 The following enactments are repealed:

- (a) School Act, RSA 2000 cS-3;*
- (b) School Amendment Act, RSA 2000 c30 (Supp);*
- (c) School (Compulsory Attendance) Amendment Act, 2003, SA 2003 c9;*
- (d) Miscellaneous Statutes Amendment Act, 2005, SA 2005 c28, section 10.*

47 Section 290 presently reads:

290 This Act comes into force on Proclamation.

RECORD OF DEBATE

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		Questions and Comments	From	To
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