

EXPLANATORY NOTES
BILL
No. 63
An Act to amend *The Education Act, 1995*

**Clause
of Bill**

1 *The Education Amendment Act, 2017*

2 *The Education Act, 1995.*

3 **Existing Provision**

Interpretation

2 In this Act:

“**academic year**” means that portion of a school year commencing on the first school day and ending on the last school day of that school year, as those dates are determined in accordance with section 163 and the regulations; (« *année d’enseignement* »)

“**association**” means The Saskatchewan School Boards Association; (« *association* »)

“**attendance area**” means:

(a) with respect to a school operated by a board of education:

(i) the school division, where the school is the only school operated by the board of education in the school division; or

(ii) the portion of the school division that is designated by the board of education as the attendance area for the school;

(b) with respect to a francsaskois school, the portion of the francophone education area in which the francsaskois school is located that is designated by the conseil scolaire as the attendance area for that francsaskois school; (« *zone de fréquentation* »)

“bargaining collectively” means negotiating in good faith with a view to the conclusion of a collective bargaining agreement, or renewal or revision of a collective bargaining agreement, and the setting out in written form the terms of agreement arrived at in negotiations or required to be incorporated in a collective bargaining agreement by this Act; (« *négociation collective* »)

“board of education” means the board of education of a school division; (« *commission scolaire* »)

“chief financial officer” means a person appointed pursuant to subsection 107(2) to perform the functions of chief financial officer of a board of education or the conseil scolaire, as the case may be; (« *chef des services financiers* »)

“collective bargaining agreement” means an agreement in writing between the parties to negotiation setting forth the terms and conditions of employment of teachers; (« *convention collective* »)

“company” means a corporation that has share capital; (« *société commerciale* »)

“compulsory school age” means having attained the age of six years but not having attained the age of 16 years; (« *âge scolaire* »)

“conseil d’école” means a conseil d’école established pursuant to section 134.1 for a francsaskois school; (« *conseil d’école* »)

“conseil scolaire” means the Conseil scolaire francsaskois established pursuant to section 42.1; (« *conseil scolaire* »)

“department” means the department over which the minister presides; (« *ministère* »)

“director” means a person appointed by a board of education or the conseil scolaire to function as the chief executive officer of the board of education or the conseil scolaire, as the case may be; (« *directeur* »)

“dispute” means a difference arising between the parties to a negotiation in the course of negotiating a collective bargaining agreement; (« *différend* »)

“division scolaire francophone” means the geographic area covered by all the francophone education areas; (« *division scolaire francophone* »)

“educational assistant” means a person who is employed by a board of education or the conseil scolaire to assist in the work of a school under the direction and supervision of a teacher or principal; (« *adjoint d’enseignement* »)

“elector” means an elector as defined in *The Local Government Election Act*; («*electeur*»)

“federation” means the Saskatchewan Teachers’ Federation; («*fédération* »)

“Framework Agreement” means:

(a) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands;

(b) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band; and

(c) any agreement entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and an Indian band with respect to the settlement of the outstanding treaty land entitlement claim of that band on the same or substantially the same terms as the agreement mentioned in clause (a); («*accord-cadre* »)

“fransaskois school” means a school that is in a francophone education area and is under the jurisdiction of the conseil scolaire in which:

(a) courses are taught primarily in French;

(b) the language of communication with pupils and parents is predominantly French; and

(c) the French language is used and developed as a first language in instruction and in school activities; («*école fransaskoise*»)

“francophone education area” means a geographic portion of the province within the division scolaire francophone that is established as a francophone education area pursuant to a minister’s order pursuant to section 47; («*région scolaire francophone*»)

“French immersion program” includes any program in a school designated pursuant to subsection 180(3) and a program designated pursuant to subsection 180(3), but does not include any program that is excluded from this definition by regulation; («*programme d’immersion en français* »)

“grievance” means any disagreement between the parties to a collective bargaining agreement with respect to the meaning or application of the collective bargaining agreement or any violation of the collective bargaining agreement; (« *grief* »)

“guardian” means:

(a) with respect to a child of compulsory school age who attends a school other than a fransaskois school, a person who is not the natural parent of the child and who has been made responsible for the care of the child, and includes:

(i) a person who has lawfully and formally received the child to reside in his or her home and to be in his or her care or custody for the time being or until the child reaches the age of majority; and

(ii) a person appointed or recognized in law as a guardian of the child; or

(b) with respect to a child of compulsory school age who attends a fransaskois school, a person who is not the natural parent of the child and who is appointed or recognized in law as a guardian of the child; (« *tuteur* »)

“home-based education program” means an education program:

(a) that is provided to a pupil who has attained the age of six years but has not attained the age of 18 years;

(b) that is started at the initiative of and is under the direction of the parent or guardian of the pupil; and

(c) in which the pupil is receiving instruction at and from the home of the pupil; (« *programme d'études à domicile* »)

“independent school” means an institution:

(a) in which instruction is provided to pupils of compulsory school age; and

(b) that is controlled and administered by a person other than a public authority; (« *école indépendante* »)

“Indian band” means a band as defined in the *Indian Act (Canada)* and includes the council of a band; (« *bande indienne* »)

“joint board” means a joint board established pursuant to section 93; («*commission conjointe*»)

“local agreement” means a collective bargaining agreement negotiated by the parties mentioned in section 235 or 236; («*convention locale* »)

“minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned; («*ministre*»)

“minority language adult” means a Canadian citizen who is 18 years of age and:

- (a) whose first language learned and still understood is French;
- (b) who has received his or her primary school instruction in Canada in French, other than through a French immersion program; or
- (c) who has a child who has received or is receiving primary or secondary school instruction in Canada in French, other than through a French immersion program; («*adulte de langue minoritaire* »)

“minority language instruction program” means a program of instruction:

- (a) that is under the jurisdiction of the conseil scolaire; and
- (b) in which the French language is used and developed as a first language in instruction and in school activities; («*programme d’enseignement en langue minoritaire* »)

“owner” means a person who has any right, title, estate or interest in property other than that of an occupant or mortgagee; («*propriétaire* »)

“prekindergarten program” means a program approved by the minister that may be delivered by a board of education or the conseil scolaire for children who are not yet eligible to be enrolled in a kindergarten program in a school; («*programme de prématernelle* »)

“prescribed form” means the form prescribed in the regulations; («*formulaire réglementaire* »)

“principal” means a teacher appointed by a board of education or the conseil scolaire, as the case may be, to perform the duties of a principal pursuant to this Act; («*directeur d’école*»)

“provincial agreement” means a collective bargaining agreement negotiated by the parties mentioned in section 234; (« *convention provinciale* »)

“public school division” means a school division other than a separate school division; (« *division scolaire publique* »)

“pupil” means a person:

- (a) who is enrolled in a school or registered independent school; or
- (b) who is receiving instruction in a registered home-based education program; and includes any person who is of compulsory school age; (« *élève* »)

“registered home-based education program” means a home-based education program registered pursuant to this Act and the regulations; (« *programme d’études à domicile inscrit* »)

“registered independent school” means an independent school registered pursuant to this Act and the regulations; (« *école indépendante inscrite* »)

“replacement teacher” means a teacher employed by a board of education or the conseil scolaire, as the case may be, for one complete academic year for the purposes of replacing an existing teacher who is on a leave of absence for one complete academic year; (« *enseignant remplaçant* »)

“school” means a structured learning environment through which an education program, under the jurisdiction of a board of education, the conseil scolaire or the department, is offered to pupils and to children attending kindergarten, and, if the context requires, includes the land, buildings or other premises and permanent improvements used by and in connection with the school, but does not include an independent school; (« *école* »)

“school community council” means a school community council established pursuant to section 140.1; (« *conseil école-communauté* »)

“school day” means a day within a school year:

- (a) on which instruction is given to pupils or examinations or other educational activities involving pupils are conducted, and that may include time authorized by a board of education or the conseil scolaire, as the case may be, for the purposes of non-instructional time; or

(b) that is authorized by a board of education or the conseil scolaire, as the case may be, for the purposes of non-instructional time; (« *jour de classe* »)

“district” or “school district” means a school district as described in section 120; (« *district* » ou « *district scolaire* »)

“division” or “school division” means a school division designated pursuant to section 40 and includes a public school division and a separate school division; (« *division* » ou « *division scolaire* »)

“school site” means land or an interest in land or premises acquired by a board of education or the conseil scolaire for a school, school playground or any other purpose associated with the operation of a school; (« *terrain pour la construction d’écoles* »)

“school year” means the period commencing on July 1 in one calendar year and ending on June 30 in the next calendar year; (« *année scolaire* »)

“separate school division” means a separate school division established pursuant to subsection 41(3); (« *division scolaire séparée* »)

“sub-division” means a portion of a school division whose boundaries have been defined for the purposes of the election of a member of the board of education; (« *sous-division* »)

“substitute teacher” means a teacher employed on a day-to-day basis as required to replace a teacher who is temporarily absent from his or her regular duties; (« *enseignant suppléant* »)

“taxation year” means the year commencing on January 1 in one year and ending on December 31 of the same year; (« *année d’imposition* »)

“teacher” means a person who holds a valid teacher’s certificate; (« *enseignant* »)

“teacher’s certificate” means teacher’s certificate as defined in *The Registered Teachers Act*; (« *brevet d’enseignement* »)

“temporary teacher” means a teacher employed by a board of education or the conseil scolaire, as the case may be, under a contract endorsed to specify the term and purpose of the appointment, for a period of 20 or more consecutive school days but less than a complete academic year:

(a) to fill an unexpected vacancy during the school year; or

(b) to replace a teacher who for any reason is absent for that period; (« *enseignant temporaire* »)

“**tender**” means a tender that is issued in response to an invitation made to the public at large; (« *soumission* »)

“**trustee**” means a member of:

- (a) **Repealed.** 2006. c.18, s.3.
- (b) a conseil d’école;
- (c) a board of education;
- (d) the conseil scolaire; («*conseiller*»)

“**university**” means The University of Saskatchewan or The University of Regina unless otherwise stated; (« *université* »)

“**voter**” means a person:

- (a) who is a minority language adult;
- (b) who is a resident of Saskatchewan whose current period of residency in Saskatchewan has been for not less than six consecutive months;
- (c) who is registered in accordance with the regulations; and
- (d) who:
 - (i) has a child who is enrolled in a francophone school in the francophone education area for which a member of the conseil scolaire is to be elected or for which the business or meeting is to be conducted;
 - (ii) has a child who is receiving a home-based education program that is registered with the conseil scolaire; or
 - (iii) is a person who is, or whose child is, receiving a minority language instruction program pursuant to section 181 and who is assigned to a francophone education area for voting purposes. («*électeur francophone*»).

1995, c.E-0.2, s.2; 1996, c.45, s.3; 1998, c.21, s.3;
 2000, c.10, s.4; 2005, c.11, s.3; 2006, c.18, s.3;
 2008, c.11, s.3; 2009, c.13, s.3; 2009, c.15, s.3;
 2012, c.10, s.3; 2013, c.9, s.3; 2015, c.18, s.2.

Explanation

This section requires amendments to correct terminology in both the English and the French versions of the Act, to correct section cross references, and make minor drafting updates.

The term “chief financial officer” has been repealed as section 107 is being moved to the regulations.

The term “department” has been repealed and replaced with the term “ministry”.

The term “programme d’études à domicile” has been repealed and replaced with “programme de scolarisation à domicile”, and the term “programme d’études à domicile inscrit” has been repealed and replaced with “programme de scolarisation à domicile inscrit”.

The alphabetical order for the terms “francophone education area” and “fransaskois school” has been corrected.

The terms “district” or “school district” and “division” or “school division” have been amended to “school district” and “school division” for clarity.

The term “sub-division” has been amended to “subdivision”.

As section 93 is being moved to the regulations, a definition has been included for “joint boards” for clarity.

The term “school year” has been amended to remove the phrase ‘calendar year’ and replacing it with ‘one year’ and ‘following year’ for clarity.

The definition for “taxable assessment” is being added pursuant to the proposed *The Education Property Tax Consequential Amendments Act, 2017*.

4 Existing Provision

Responsibilities

3(1) The minister is responsible for all matters not by law assigned to any other minister, department, branch or agency of the Government of Saskatchewan relating to elementary and secondary education.

(1.1) The minister is responsible for all matters not by law assigned to any other minister, ministry, branch or agency of the Government of Saskatchewan relating to prekindergarten programs.

(2) The minister shall:

(a) prepare and distribute recommendations and advice on the management of schools, school divisions, school districts and the division scolaire francophone for trustees, principals and teachers;

(b) prepare the forms and give any instructions that may be necessary for making reports and returns and for carrying out the provisions of this Act;

(c) provide curriculum guides pertaining to courses of study authorized by the minister with respect to kindergarten and grades 1 to 12;

(d) make provision for the preparation and publication, as the minister considers fit, of information with respect to goals, objectives and educational planning with respect to the present and future growth and development of the educational system;

(e) provide lists of textbooks, library books, reference books, other learning resources, apparatus, equipment and other materials that the minister may prescribe, approve or recommend pursuant to clause 4(1)(e);

(f) make provision for in-service education programs and related activities that pertain to implementation of new programs and courses and for any seminars, conferences and other meetings considered advisable for the purposes of consultation with respect to educational planning with:

(i) teachers;

(ii) members of boards of education;

(iii) members of the conseil scolaire; and

(iv) electors or voters;

(g) make regulations respecting the salary classification of teachers;

(h) subject to subsection 163(2), determine annually the number of school days in the school year for the purposes of the operation of schools.

1995, c.E-0.2, s.3; 1998, c.21, s.4; 2000, c.10, s.4; 2005, c.11, s.4; 2006, c.18, s.4; 2013, c.9, s.4; 2015, c.18, s.2.

Explanation

Clause 3(2)(e) requires amendment to update to section cross references and to repeal the term “prescribe” and replace it with the term “specify”.

5 Existing Provision

Powers of minister

4(1) The minister may:

- (a) appoint an official trustee to hold office as a member of a board of education or the conseil scolaire to exercise the powers and duties otherwise vested in the board of education or the conseil scolaire pursuant to this Act for any period the minister considers necessary;
- (b) appoint one or more persons to advise him or her with respect to approval of plans for the location, specifications, financing, furnishing and maintenance of school buildings;
- (c) subject to the approval of the Lieutenant Governor in Council and notwithstanding any other provision of this Act, make provision for the establishment and operation of experimental and special schools;
- (d) **Repealed.** 2015, c.18. s.2.
- (e) prescribe, approve or recommend textbooks, library books, reference books, other learning resources, apparatus, equipment and other materials that the minister considers necessary to ensure an optimum quality of instructional services in schools;
- (f) prescribe the subjects of instruction and issue courses of study for each year or grade from kindergarten to Grade 12, or any combination of those grades as may be classified as Elementary, Middle and Secondary Levels, for all schools;
- (g) prescribe compulsory and optional subjects and course requirements for completion of a grade or year of study;

(h) authorize a course of study developed by a school and approved by the board of education or the conseil scolaire to be taught as an alternative, or in addition, to a course or courses prescribed by the minister;

(h.1) subject to any regulations that may be made by the Lieutenant Governor in Council, establish policies with respect to the approval, implementation, co-ordination, funding and operation of prekindergarten programs;

(h.2) in determining operating grants mentioned in sections 310 and 313, include local expenditures that the minister considers appropriate for a board of education or the conseil scolaire with respect to providing prekindergarten programs;

(i) make provision for the training of teachers, including those required for new or special programs or services to pupils;

(j) notwithstanding any other provision of this Act, where the minister considers it advisable and in the interests of education to do so, by order, alter the boundaries of any school division that is not a separate school division;

(k) approve the form of the register of attendance and the manner of its use in recording the daily attendance of pupils;

(l) prescribe the form in which enrolment and attendance data are to be submitted to the department;

(m) make arrangements for the education of children resident in any portion of the Northern Saskatchewan Administration District in any school division under the jurisdiction of the department or in any similar school division in Manitoba or Alberta;

(n) make provision for the registration of independent schools;

(o) make provision for the inspection and supervision of registered independent schools;

(p) make provision for the registration of home-based education programs;

(q) make provision for the monitoring of registered home-based education programs;

(r) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;

(s) subject to the regulations, make grants for the provision or enhancement of language education programs;

(t) establish policies respecting pupils with intensive needs as defined in section 178.

(2) A person who is appointed by the minister pursuant to clause (1)(a) shall receive remuneration determined by the Lieutenant Governor in Council and paid by the minister.

(3) The minister may:

(a) purchase and sell to schools or any person textbooks, library books, reference books, other learning resources, educational documents, reports and materials, supplementary materials, other school supplies or equipment or any other material or information related to schools, matters governed by this Act or any other matter for which the minister is responsible;

(b) acquire and make available, on any terms and conditions that the minister considers appropriate, to schools or any person any textbooks, library books, reference books, other learning resources or other materials related to courses of study.

(4) For the purposes of subsection (3), the minister may:

(a) establish one or more branches of the department to carry out the functions described in subsection (3);

(b) enter into agreements with:

(i) publishers or any person with respect to the development or production of textbooks, library books, reference books or other learning resources and the terms and conditions pursuant to which any textbooks, library books, reference books or other learning resources may be purchased by the minister, a board of education, the conseil scolaire or any person; and

(ii) suppliers of textbooks, library books, reference books, other learning resources, equipment, apparatus or materials with respect to the terms and conditions pursuant to which any textbooks, library books, reference books, other learning resources, equipment, apparatus or materials may be purchased by the minister, a board of education, the conseil scolaire or any person.

(5) Where, pursuant to subsection (3), the minister makes textbooks, library books, reference books, other learning resources, materials related to courses of study, supplies and equipment available to pupils, the minister, a board of education or a conseil scolaire shall make those items available without charge to the pupils.

1995, c.E-0.2, s.4; 1998, c.21, s.5 and 128; 2006, c.18, s.5; 2008, c.11, s.4; 2013, c.9, s.5; 2015, c.18, s.2.

Explanation

Section 4 has been amended to broaden the Minister of Education's authority over the elementary and secondary education system. Sections 1 and 1.1 clauses (a) to (g), and (i) are new.

Clause 4(1.1)(j) requires amendment to clarify that the official trustee is appointed in place of a board, and not simply as another member of the board.

Former 4(1)(h.2) has been repealed and replaced with 4(1)(r) due to amendments to grants for school divisions which are identified in new subsection 312(3) and 315(4).

Clause 4(1)(v) has been redrafted for clarity. For children living in northern Saskatchewan, the minister may make arrangements for those children to be educated elsewhere in Saskatchewan or in Alberta or Manitoba.

Due to the repeal of the Education Scholarship Fund a new provision has been added to 4(1.1)(dd) to provide the Minister of Education the authority to provide scholarships, bursaries or awards to pupils.

6 Existing Provision

None.

Explanation

Section 4.01 is new and has been included to provide the minister the authority to consult with boards, the conseil scolaire and others as required.

Section 4.02 is new and has been added to clarify and broaden the minister's authority to direct a board of education, or the conseil scolaire concerning the elementary and secondary education system as required.

7 Existing Provision

Education Scholarship Fund

4.1(1) In this section:

“**fiscal year**” means the fiscal year of the fund; (« *exercice* »)

“**fund**” means the Education Scholarship Fund continued pursuant to this section. (« *fonds* »)

(2) The Prince of Wales Scholarship Fund is continued as the Education Scholarship Fund.

(3) The minister shall administer the fund in accordance with this Act and the regulations.

(4) The fund consists of:

(a) all moneys appropriated by the Legislature for the purposes of the fund;

(b) all earnings on investments of the fund; and

(c) all other moneys received by the minister by way of grant, bequest, donation or otherwise for the purposes of the fund.

(5) Subject to the terms of any trust pursuant to which money to be invested is held by the minister, the minister may:

(a) invest any moneys in the fund in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and

(b) dispose of any investment made pursuant to clause (a), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers advisable.

(6) Subject to the provisions of this Act, the regulations, and any orders that may be made and any directives that may be issued by Treasury Board, the minister may make disbursements from the fund for:

(a) making payments by way of scholarships to pupils; and

(b) paying the expenses of administering the fund.

(7) The minister may enter into any agreement with any person, government, agency, organization, association, institution or body that the minister considers advisable with respect to any matter concerning the administration of the fund.

(8) When providing scholarships pursuant to the fund, the minister shall consider the directions of the persons who have made gifts to the fund, but the minister is not bound by those directions.

(9) The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

(10) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the fund:

(a) annually; and

(b) at any other times that the Lieutenant Governor in Council may require.

(11) In each fiscal year, the department, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit to the minister:

(a) a report on the activities of the fund for the preceding fiscal year; and

(b) a financial statement showing the business of the fund for the preceding fiscal year, in any form that may be required by Treasury Board.

(12) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (11).

2002, c.29, s.3; 2014, c.11, s.9; 2015, c.6, s.3.

Explanation

In an effort to streamline government processes, the distribution of scholarships is being brought into the activities of the ministry and therefore the Education Scholarship Fund is being repealed from the Act.

8 Existing Provision

School divisions and sub-divisions

40(1) A school division consists of any portion of Saskatchewan that is designated pursuant to this Act to be the unit for local governance of schools and for the provision and administration of educational services in those schools.

(2) A school division that comprises an area greater than 1,295 square kilometres is to be divided into any number of sub-divisions that may be required for the purposes of the election of the number of members of the board of education prescribed pursuant to clause 42(1)(e).

(3) Where a school division comprises an area of 1,295 square kilometres or less, the minister may, on the application of the board of education, divide that division into sub-divisions in accordance with subsection (2) or clause (5)(b).

(3.1) Where a majority of electors who cast a ballot in a vote, that is held in accordance with the regulations, indicate that they wish to have the school division divided into sub-divisions, the school board shall apply to the minister to divide the school division into sub-divisions.

(4) The minister shall determine the boundaries of each sub-division created pursuant to this section.

(5) Notwithstanding subsection (2), where a school division described by subsection (2) includes a town or city and there is to be more than one member of the board of education representing that town or city, the minister may:

- (a) divide the entire school division into sub-divisions;
- (b) divide only that portion of the school division located outside the town or city into sub-divisions;
- (c) divide only that portion of the school division located inside the city or town into sub-divisions; or
- (d) decide not to divide the school division into sub-divisions.

(6) Where a school division is divided into sub-divisions pursuant to clause (5)(b):

(a) one person is to be elected as a member of the board of education from each sub-division; and

(b) the other members of the board of education are to be elected at large from the area of the school division located in the town or city.

(7) Where a school division is divided into sub-divisions pursuant to clause (5)(c):

(a) the electors of each sub-division of the town or city shall elect one member as the member of the board of education for that sub-division; and

(b) the members of the board of education to be elected from the area of the school division outside the town or city are to be elected at large by the electors resident in the area outside that town or city.

(8) Where the minister pursuant to clause (5)(d) decides not to divide a school division into sub-divisions:

(a) the members of the board of education to be elected from the town or city are to be elected at large by the electors resident in that town or city; and

(b) the members of the board of education to be elected from the area of the school division outside the town or city are to be elected at large by the electors resident in the area outside that town or city.

(9) Notwithstanding clause (6)(a) or (7)(a) but subject to the regulations, where a school division is divided into sub-divisions pursuant to clause (5)(b) or (5)(c), the minister may approve a request from the board of education to allow for the election of more than one representative from each sub-division to serve as members of the board of education.

1995, c.E-0.2, s.40; 1997, c.35, s.5; 1998, c.21, s.10; 2010, c.22, s.3; 2013, c.9, s.7.

Explanation

In 40(1) the term “portion” has been repealed and replaced with the term “area”. The detailed requirements in subsections 40(2) to (9) regarding school division boundaries are to be moved to the regulations. The requirements pertaining to boundaries will also be made pursuant to both the Act and the regulations. A new subsection (2) has been added to clarify that a school division may be divided into one or more subdivisions for the purposes of the election of a number of members of the board of education.

9 Existing Provision

Powers of minister to establish divisions

41(1) Subject to subsection (3), the minister may establish a school division if the minister:

- (a) has the approval of the Lieutenant Governor in Council; and
- (b) considers that establishing a school division is in the best interests of education in Saskatchewan.

(2) A school division established pursuant to this section other than a separate school division may consist of all or any of the following:

- (a) all or any part of one or more existing public school divisions; and
- (b) any area of Saskatchewan that is eligible to be in a school division and that is not included in an existing school division.

(3) The minister shall establish a separate school division if:

- (a) a petition requesting establishment of the separate school division is submitted pursuant to subsection 49(3); and
- (b) the electors eligible to vote approve the petition.

(4) **Repealed.** 2005, c.11, s.6.

1995, c.E-0.2, s.41; 2005, c.11, s.6.

Explanation

Repeal subsection 41(2) as section 40 and the regulations will define the subdivision requirements.

10 Existing Provision

Order establishing school division – first election

42(1) Every order establishing a school division must:

- (a) assign a distinguishing name and number to the school division;

- (b) state the date the school division is established;
- (c) designate the boundaries of the school division;
- (d) define, where applicable, the boundaries of the sub-divisions of the school division and assign a number to each of them;
- (e) state the number of members, which shall be not less than five nor more than 10, that constitutes the board of education;
- (f) provide for the holding of an election of the members of the board of education and for all matters necessary and incidental to the holding of that election, including:
 - (i) the designation of the date on which the newly elected members assume office;
 - (ii) the designation of the last date for the receipt of nominations;
- (g) make provision for the vesting of assets and liabilities.

(2) The term of office of members elected pursuant to clause (1)(f) expires at the first meeting of the board of education elected at the next general election held after the day on which those members assumed office.

(3) Notwithstanding subsection (2) or any provision of *The Local Government Election Act*, if the first members of the board of education of a new school division assume office pursuant to subclause (1)(f)(i) between June 1, 2005 and January 1, 2006, inclusive:

- (a) no election of the board of education is to be held in that school division in October 2006 pursuant to *The Local Government Election Act*; and
- (b) the term of office of those members expires at the first meeting of the board of education elected in October 2009 pursuant to *The Local Government Election Act*.

(4) Notwithstanding any other provision of this Act, by order made pursuant to subsection (1), the minister may:

- (a) establish a school division as at a future date specified in the order; and
- (b) provide for the holding of the election of the first members of the board of education of the new school division on a date earlier than the date specified for the establishment of the school division.

(5) Notwithstanding any other provision of this Act, if the minister makes an order in accordance with subsection (4), the first members of the board of education of the new school division:

- (a) constitute a corporation in accordance with section 63 as at the date on which they assume office; and
- (b) until the new school division is established, shall:
 - (i) have only those purposes, powers, duties and authority;
 - (ii) be absolved from carrying out those duties and functions; and
 - (iii) be entitled only to those grants and other benefits; mentioned in this Act and the regulations that the minister may specify in the order establishing the school division or in any subsequent order.

(6) Every minister's order made pursuant to this section must be published in the Gazette.

1995, c.E-0.2, s.42; 2005, c.10, s.2; 2005, c.11, s.7.

Explanation

Repeal 42(1)(e), 42(1)(f)(i)(ii), and 42(2) to (5) and move the detailed requirements concerning boards of education to the regulations.

11 Existing Provision

Establishment of separate school division

49(1) In this section, “**district**” or “**school district**” means:

- (a) a school district as described in section 120;
- (b) **Repealed.** 2000, c.10, s.8.

(c) a school division that is not divided into school districts pursuant to section 120.

(2) In accordance with this section and section 50, a minority of the electors in a school district, whether Protestant or Roman Catholic, may establish a separate school division, and in that case the electors establishing the school division shall be liable only to assessments of any rates as they may impose on themselves.

(3) Any six electors mentioned in subsection (2) may petition the minister for the establishment of a separate school division.

(4) The electors mentioned in subsection (3) shall appoint one of their number to act as secretary and to be responsible for the safekeeping of all forms and correspondence, and may proceed as a committee to organize the proposed separate school division and draw up and sign the necessary petition.

(5) A petition for the establishment of a separate school division must:

(a) be in the prescribed form;

(b) be signed by six electors of the religious faith indicated in the name of the proposed separate school division;

(c) include a plan showing the boundaries of the proposed separate school division;

(d) state the names and locations of electors who are of the same religious faith as the petitioners and who reside in the proposed separate school division;

(d.1) provide information that reasonably demonstrates that the electors named pursuant to clause (d) represent a minority of electors in the proposed separate school division; and

(e) be submitted to the minister on or before November 1 in the year before the school year in which the separate school division is to be established.

(6) The petitioners shall, at least 30 days before submitting the petition to the minister pursuant to subsection (5):

(a) cause a notice of their intention and a copy of the plan of the proposed separate school division to be published in at least one issue of a newspaper that has general circulation in the area of the proposed separate school division; and

(b) provide the minister with a copy of the notice of their intention and a copy of the plan of the proposed separate school division.

(7) On receipt of the approval of the minister with respect to the plan set out in the petition, the petitioners shall:

(a) call a meeting by notice in the prescribed form, of the electors of the same religious faith as the petitioners;

(b) at least 10 days before the day fixed for the meeting:

(i) cause the notice to be published in at least one issue of a newspaper that has general circulation in the area of the proposed separate school division; and

(ii) post the notice in at least six widely separated and conspicuous public places in the proposed separate school division; and

(c) on request, provide a copy of the approved petition and plan to any elector of the same religious faith as the petitioners.

(8) At the time for the start of the meeting set out in the notices mentioned in subsection (7), the electors present shall elect one person to act as chairperson of the meeting and one other person, who may be the secretary of the petitioners appointed pursuant to subsection (4), to be secretary for the meeting.

(9) Following the election of a chairperson, every person who wishes to participate in the meeting shall sign a declaration in the prescribed form and give it to the chairperson.

(10) No person shall be permitted to take part in the meeting unless that person has signed a declaration mentioned in subsection (9) and has given it to the chairperson.

(11) **Repealed.** 2000, c.10, s.8.

(12) **Repealed.** 2000, c.10, s.8.

(13) The chairperson shall not vote on any question except in the case of an equality of votes, when the chairperson shall cast the deciding vote.

Explanation

The term “district” has been repealed and replaced with “school district”.

12 Existing Provision**Powers and duties of separate school divisions**

53(1) On the establishment of a separate school division pursuant to this Act, that division and the board of education of the division shall possess and exercise the same rights and powers and be subject to the same liabilities and method of government as other school divisions continued or established pursuant to this Act.

(2) Where, the minority religious faith, whether Protestant or Roman Catholic, has established a separate school division, a property owner is to be assessed with respect to his or her property:

(a) in the case of a member of the minority religious faith, as a taxpayer of the separate school division;

(b) in any other case, as a taxpayer of the public school division.

1995, c.E-0.2, s.53; 1999, c.16, s.3.

Explanation

The term “division” has been repealed and replaced with “separate school division” for clarity.

13 Existing Provision**Alteration of boundaries of divisions and sub-divisions**

54(1) The minister may, by order, alter the boundaries of a school division or the boundaries of a sub-division:

(a) on the petition of one or more electors with respect to parcels of land owned or leased by the elector or electors;

(b) on the request, separately or jointly, of two or more boards of education with respect to land that is within, or contiguous to, the school divisions concerned;

(c) on the request of a board of education;

(d) when it is considered by the minister to be in the interests of education to do so;

(e) **Repealed.** 2010, c.22, s.3.

(2) No alteration of the boundary of a separate school division is to be effected pursuant to subsection (1) without the written consent of the board of education of that separate school division.

(3) The minister may, in his or her discretion, by order:

(a) create a sub-division and provide for the election and term of office of a member to represent the sub-division on the board of education;

(b) create a sub-division consisting of one or more Indian reserves or parts of Indian reserves where the board of education has entered into an agreement with an Indian band or with the Government of Canada;

(c) transfer any sub-division created pursuant to clause (b) from one school division to another where the council of one of the Indian bands or the councils of the Indian bands in the sub-division and the school divisions to be affected by the transfer agree to it;

(d) disestablish a sub-division;

(e) renumber sub-divisions.

(3.1) Notwithstanding any other provision of this Act, the minister, in his or her discretion, may, by order, alter the boundaries of a school division to incorporate one or more Indian reserves or parts of Indian reserves into the school division without creating a sub-division, if:

(a) the board of education and the Indian band have entered into an agreement; and

(b) the board of education and the Indian band request the minister to alter the boundaries of the school division to incorporate one or more Indian reserves or parts of Indian reserves into the school division without creating a sub-division.

(3.2) Notwithstanding any other provision of this Act, the minister, in his or her discretion, may, by order, transfer any area incorporated into a school division pursuant to subsection (3.1) from one school division to another school division if the Indian band or Indian bands, as the case may require, and the school divisions affected by the transfer agree to the transfer.

(4) Notwithstanding any other provision of this Act, the minister may exercise the authority vested in him or her pursuant to clause (3)(b) where the school division in which the sub-division is to be created is not divided into sub-divisions.

(5) Notwithstanding any other provision of this Act, where a subdivision is created pursuant to clause 3(b), the number of members of the board of education is to be increased by one member for that sub-division.

(6) In accordance with the procedures set out in *The Local Government Election Act*, the electors:

(a) in each sub-division created pursuant to subsection (4) shall elect one member of the board of education; and

(b) in that portion of a school division that is not divided into sub-divisions in which a sub-division is newly created pursuant to subsection (4) shall elect the remaining members of the board of education at large.

(7) Where a division includes most or all of a town or city and the limits of that town or city are altered to include lands that are not within the division, the boundaries of the division are deemed to be similarly altered to include those lands.

1995, c.E-0.2, s.54; 1999, c.16, s.4; 2010, c.22, s.3.

Explanation

Repeal clauses 54(1)(a) to (d), and sections 3, 3.1, 3.2, 4, 5, 6, and 7 and move these detailed requirements concerning the alteration of boundaries to the regulations. New subsection (3) has been moved from section 55 of the Act.

14 Existing Provision

Order to be published

55(1) Every order made pursuant to section 54 shall be published in the Gazette.

(2) A copy of an order made pursuant to clause 54(3)(b) or (c) shall be forwarded to:

(a) the council of the Indian band or councils of the Indian bands in the subdivision mentioned in the order; and

(b) each board of education affected by the order.

1995, c.E-0.2, s.55; 2009, c.13, s.4

Explanation

Section 55 has been repealed and the requirements concerning the publishing of Minister's Orders has been moved to new subsection 54(3) of the Act.

15 Existing Provision

Change of name or number of school division

57(1) On the request of the board of education, the minister may, by order, change the name or the number of a school division.

(2) Notice of any change in the name or the number of a school division must be published in the Gazette.

(3) Where the name or the number of a school division is changed, the seal previously used by the board of education continues to be the seal of the school division until it is changed by the board of education.

(4) No change in the name or the number of a school division made pursuant to subsection (1) shall affect any obligation, right, action or property incurred, established, done or acquired prior to the change.

1995, c.E-0.2, s.57.

Explanation

Amend provision to identify that all requirements are pursuant to both the Act and the regulations.

Clarify the provision to identify that every Minister's Order pursuant to this section must be published in the *Saskatchewan Gazette*.

Subsection 57(3) concerning changes to the name of the school division are to be repealed and moved to the regulations.

16 Existing Provision

Disestablishment of school division or conseil scolaire

60(1) Subject to subsection (3), the minister may, by order, declare that on or after a day specified in the order a school division shall be disestablished.

(2) Where the last francsaskois school in a francophone education area has been closed pursuant to section 88, the conseil scolaire shall notify the minister of the closure and request that the francophone education area be disestablished.

(2.1) Where the minister receives a request from the conseil scolaire pursuant to subsection (1) that a francophone education area be disestablished, the minister shall, within 30 days after the receipt of the request, by order, declare that the francophone education area is disestablished on or after a day specified in the order.

(3) Every minister's order made pursuant to subsection (1) or (2) must be published in the Gazette.

(4) **Repealed.** 2012, c.10, s.7.

(5) If a school division is to be disestablished, the minister shall, by order:

(a) make any arrangements that the minister considers necessary or expedient with respect to the transfer of the assets and liabilities of the school division; and

(b) make any other adjustments and settlements that may be necessary to wind up the affairs of the school division.

(6) **Repealed.** 2005, c.11, s.8.

(7) **Repealed.** 2005, c.11, s.8.

1995, c.E-0.2, s.60; 1998, c.21, s.19; 2005, c.11,
s.8; 2012, c.10, s.7

Explanation

Former subsections (1), (2), and (2.1) have been renumbered and their section cross references have been removed. The subsections have also been redrafted to adhere to current drafting standards.

17 Existing Provision**Board of education for division**

61 Each school division must have a board of education consisting of the number of members specified in the minister's order mentioned in section 42, or in a subsequent amending order.

1995, c.E-0.2, s.61

Explanation

Subsection (2) and (4) are new, these provisions identify that detailed requirements pertaining to powers, duties, and rules of procedure for boards of education will now be prescribed in the regulations.

New subsection (3) was moved from section 63 of the Act.

18 Existing Provision**Board of education a corporation**

63(1) The members of the board of education of each school division are a corporation called the Board of Education of the _____ School Division No. ____ of Saskatchewan.

(2) A joint board of education established pursuant to section 93 is a corporation under any name approved by the minister.

1995, c.E-0.2, s.63.

Explanation

Section 63 has been repealed as requirements in subsection (1) are now identified in section 61 of the Act and requirements in subsection (2) will now be prescribed in the regulations.

19 Existing Provision**Election of conseil scolaire**

64(1) Except as provided in sections 65 and 66, the election of members of the conseil scolaire and all proceedings preliminary and subsequent to that election are to be conducted in accordance with the regulations.

(2) The voters of each francophone education area shall elect one member to the conseil scolaire

1995, c.E-0.2, s.64; 1998, c.21, s.21 and 128.

Explanation

Requirements concerning board membership have been moved to the regulations.

The section has been amended to identify that detailed requirements pertaining to powers, duties, and rules of procedure for the conseil scolaire will now be prescribed in the regulations.

20 Existing Provision

Disqualification

68(1) A member of a board of education or the conseil scolaire shall vacate his or her office if any one of the following applies to him or her:

- (a) the member is convicted of an indictable offence;
- (b) the member is absent from three or more consecutive meetings of the board or the conseil scolaire without the authorization of the board or the conseil scolaire to do so;
- (c) the member ceases to be eligible for election as a member:
 - (i) pursuant to *The Local Government Election Act*, in the case of a member of a board of education; or
 - (ii) pursuant to this Act, in the case of a member of the conseil scolaire; or
- (d) in the case of a member of the conseil scolaire, the member no longer meets the criteria to be a candidate as set out in subsection 65(1) or (2).

(2) Where a member is required to vacate his or her office pursuant to subsection (1), the remaining members shall:

- (a) declare that office to be vacant; and
- (b) immediately inform the minister of the vacancy.

1995, c.E-0.2, s.68; 1998, c.21, s.24.

Explanation

Repeal section 68 and move the requirements to the regulations.

21 Existing Provision**Conflict of interest**

69(1) No member of a board of education and no member of the conseil scolaire shall:

(a) be or become directly interested in any contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;

(b) participate directly in the profit or in any benefit or emolument arising from a contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;

(c) accept any office or place of emolument under the board of education or the conseil scolaire of which he or she is a member;

(d) perform any duty, transact any business or do anything whatever in any character or capacity for or in expectation of any fee, gain or reward for or on behalf of the board of education or the conseil scolaire of which he or she is a member.

(2) A member of a board of education or the conseil scolaire who contravenes subsection (1) shall vacate his or her office as a member of the board of education or conseil scolaire.

(3) If a member of a board of education or the conseil scolaire vacates his or her office pursuant to subsection (2), the remaining members of the board of education or conseil scolaire shall immediately inform the minister of the vacancy.

(4) Nothing in this section shall extend to or disqualify as a member of a board of education or the conseil scolaire any person who:

(a) purchases or becomes the holder of debentures issued by the board of education;

(b) enters into a contract with the board of education or the conseil scolaire for the sale to the board of education or the conseil scolaire of a school site;

(c) has received a sum not exceeding \$200 in any one year for labour authorized by and supplied to the board of education or the conseil scolaire;

(d) enters into a contract with the board of education or the conseil scolaire for the sale of utilities, services or merchandise in an amount or amounts that in total do not exceed \$500 in any one year;

(e) receives payment on account of or in lieu of the cost of transportation or other allowances payable to him or her as the parent or guardian of a pupil; or

(f) is a shareholder in or is employed by a company that has dealings or contracts with the board of education or the conseil scolaire for the supply of utilities, goods or services, but that person shall not vote as a member of the board or the conseil scolaire on any matter affecting that company.

(5) Notwithstanding subsection (1), a member of a board of education or the conseil scolaire may have an interest in a contract with the board of education or the conseil scolaire for goods and services where:

(a) the goods and services are not readily obtainable from some other person in the school division or the francophone education area;

(b) the price of goods and services to be obtained is reasonable; and

(c) every member of the board of education or the conseil scolaire present and eligible to vote at a meeting of the board of education or the conseil scolaire votes in favour of the contract.

(d) **Repealed.** 2000, c.10, s.10.

(6) Notwithstanding subsection (1) but subject to any terms and conditions that the board of education or the conseil scolaire considers proper, a board of education or the conseil scolaire may include any or all members of the board of education or the conseil scolaire in a benefit fund maintained for the benefit of its employees.

1995, c.E-0.2, s.69; 1998, c.21, s.25 and 128;
2000, c.10, s.10; 2009, c.13, s.5; 2013, c.9, s.8.

Explanation

Repeal section 69 and move the requirements to the regulations.

22 Existing Provision

Ouster of member

70(1) Five or more electors in a school division may apply *ex parte* to a judge of the Court of Queen's Bench for an order described in subsection (4) respecting a member of a board of education of that school division if the electors submit in their affidavits that the member:

- (a) is guilty of contravening section 69;
- (b) is guilty of gross neglect of duty;
- (c) has wilfully or negligently contravened this Act or the regulations; or
- (d) is unfit for any reason to act as a member of the board of education.

(2) Five or more voters in the division scolaire francophone may apply *ex parte* to a judge of the Court of Queen's Bench for an order described in subsection (4) respecting a member of the conseil scolaire if the voters submit in their affidavits that the member:

- (a) is guilty of contravening section 69;
- (b) is guilty of gross neglect of duty;
- (c) has wilfully or negligently contravened this Act or the regulations; or
- (d) is unfit for any reason to act as a member of the conseil scolaire.

(3) The electors or voters shall pay \$25 into court as security for costs when making their application.

(4) The electors or voters may apply for an order that:

- (a) grants leave to serve a notice of motion directed to the member of the board of education or the conseil scolaire; and
- (b) requires that member to show cause why the member should not be removed from office.

(5) The judge may direct the manner in which a notice of motion is to be served and may fix the time when and place where the notice of motion is returnable.

(6) If on the return of the notice of motion mentioned in subsection (5) the judge on affidavit or oral evidence finds that the member is unfit to act as a member of the board of education or conseil scolaire for any of the reasons set out in subsection (1) or (2), the judge shall make an order ousting the member from office.

(7) The judge may make any order as to costs that is appropriate in the circumstances.

(8) No person is eligible for election as a member of any board of education or conseil scolaire for a period of three years from the date of his or her ouster from office pursuant to this section.

1995, c.E-0.2, s.70; 1998, c.21, s.26.

Explanation

Repeal section 70 and move the requirements to the regulations.

23 Existing Provision

Organizational meeting

72(1) A board of education shall hold an organizational meeting:

(a) in the case of a newly established school division, on the date and at the time and place fixed for that purpose pursuant to an order mentioned in section 42; and

(b) in every following year before November 30.

(2) At each organizational meeting, the board of education shall select a chairperson, and a vice-chairperson to act in the absence of the chairperson.

(3) The conseil scolaire shall hold an organizational meeting not later than seven days from the day designated in the minister's order as the day on which the members of the conseil scolaire elected at the first election assume office and every following year before November 30.

(4) At each organizational meeting, the conseil scolaire shall select:

(a) a président; and

(b) a vice-président to act in the absence of the président.

1995, c.E-0.2, s.72; 1998, c.21, s.28.

Explanation

Repeal section 72 and move the requirements to the regulations.

24 Existing Provision**Other meetings**

73(1) A board of education shall meet at least six times in each year at the times fixed by a resolution of the board and at any other time at the call of the chairperson or any three members of the board.

(2) A conseil scolaire shall meet at least six times in each year at the times fixed by resolution of the conseil scolaire and at any other time at the call of the president or any three members of the conseil scolaire.

1995, c.E-0.2, s.73

Explanation

Repeal section 73 and move the requirements to the regulations.

25 Existing Provision**Notice of meetings**

74(1) Where a board of education or the conseil scolaire at any meeting at which all the members are present decides by resolution to hold regular meetings on or at predetermined dates, times and places, no further or other notice of those meetings is necessary.

(2) All other meetings of the board of education or the conseil scolaire shall be called by giving members:

- (a) at least six clear days' notice by registered mail;
- (b) written notice delivered in person at least three days before the meeting;
- (c) written notice left with an adult person at a member's place of residence at least three days before the meeting; or
- (d) written notice in an electronic form that complies with section 9 of *The Electronic Information and Documents Act, 2000* at least three days before the meeting.

(3) Notwithstanding subsections (1) and (2), the board of education or the conseil scolaire may, by unanimous consent, waive notice and hold a meeting at any time.

(4) The consent mentioned in subsection (3) must:

(a) be subscribed to in writing by each member of the board of education or the conseil scolaire prior to the commencement of the meeting; and

(b) be recorded in the minutes of the meeting.

1995, c.E-0.2, s.74; 1998, c.21, s.128; 2006, c.18, s.9.

Explanation

Repeal section 74 and move the requirements to the regulations.

26 Existing Provision

Quorum

75(1) A majority of the members of a board of education constitute a quorum for the purposes of conducting a meeting of the board of education.

(2) A majority of the members of the conseil scolaire constitute a quorum for the purposes of conducting a meeting of the conseil scolaire.

1995, c.E-0.2, s.75; 1998, c.21, s.128.

Explanation

Repeal section 75 and move the requirements to the regulations.

27 Existing Provision

Exercise of powers, validity of proceedings

76(1) Except as otherwise provided in this Act, every board of education and the conseil scolaire may perform the duties imposed and exercise the powers conferred on it by this Act, either by resolution or bylaw, but no act or proceeding of a board of education or the conseil scolaire that is adopted at a meeting at which a quorum of the board of education or the conseil scolaire is not present is valid or binding.

(2) Where the number of members of a board of education has been reduced to less than a quorum, no business of the school division shall be transacted by the remaining members until the vacancies have been filled pursuant to *The Local Government Election Act*.

(3) Where the number of members of the conseil scolaire has been reduced to less than a quorum, no business of the conseil scolaire shall be transacted by the remaining members until the vacancies have been filled pursuant to this Act and the regulations.

1998, c.21, s.29.

Explanation

Repeal section 76 and move the requirements to the regulations.

28 Existing Provision

Motions

77(1) All questions shall be submitted to a board of education on the motion of the chairperson or any other member.

(2) All questions shall be submitted to the conseil scolaire on the motion of the président or any other member.

(3) No seconder is required for the questions mentioned in subsections (1) and (2).

1998, c.21, s.29.

Explanation

Repeal section 77 and move the requirements to the regulations.

29 Existing Provision

Voting

78(1) At all meetings of a board of education, questions are to be decided by a majority of votes.

(2) The chairperson has the right to vote, but, in the case of an equality of votes, the question is deemed to be decided in the negative.

(3) At all meetings of the conseil scolaire, questions are to be decided by a majority of votes.

(4) The président has the right to vote, but, in the case of an equality of votes, the question is deemed to be decided in the negative.

1995, c.E-0.2, s.78; 1998, c.21, s.128.

Explanation

Repeal section 78 and move the requirements to the regulations.

30 Existing Provision

Acting chairperson or president

79(1) In the absence of the chairperson and the vice-chairperson from a meeting of a board of education, the members present shall elect one of their number to act as chairperson of the meeting.

(2) In the absence of the président and the vice-président from the meeting of the conseil scolaire, the members present shall elect one of their number to act as président of the meeting.

1995, c.E-0.2, s.79; 1998, c.21, s.128.

Explanation

Repeal section 79 and move the requirements to the regulations.

31 Existing Provision

Payment for attendance at meetings

81(1) Subject to subsection (5), each member of a board of education is to be paid any remuneration that may be fixed by the board of education for attendance at meetings of the board of education.

(2) Subject to subsection (5), each member of a joint board is to be paid any remuneration that may be fixed by the joint board for attendance at meetings of the joint board.

(3) Subject to subsection (5), each member of the conseil scolaire is to be paid any remuneration that may be fixed by the conseil scolaire for attendance at meetings of the conseil scolaire.

(4) Each board of education, joint board or conseil scolaire shall fix an amount by which the remuneration of a member is to be reduced in cases where the member is absent from a meeting without the prior consent of the board of education, joint board or conseil scolaire.

(5) All payments to a member of a board of education, a joint board or the conseil scolaire pursuant to this section and section 82 must be made in accordance with the bylaws of the board of education, joint board or conseil scolaire concerning the conditions pursuant to which allowances are authorized and the amounts of those allowances.

1995, c.E-0.2, s.81; 1998, c.21, s.32.

Explanation

Repeal section 81 and move the requirements to the regulations.

32 Existing Provision

Payment for performance of authorized business of board of education

82(1) A board of education or joint board may pay to any of its members for attending to any business of the board entrusted to a member by the board of education or joint board:

- (a) a reasonable daily remuneration; and
- (b) a reasonable daily allowance or reimbursement for travel, food, lodging and any other out-of-pocket expenses incurred by the member while necessarily absent from his or her place of residence on any business of the school division.

(2) The board of education or joint board shall fix the amounts mentioned in subsection (1).

(3) A member of a board of education or joint board claiming payment pursuant to this section shall file with the board of education or joint board an itemized account listing the services performed and the distance travelled.

(4) The board of education or joint board shall pass a resolution authorizing a payment pursuant to this section before payment may be made.

1995, c.E-0.2, s.82; 1997, c.35, s.6; 2009, c.13, s.8.

Explanation

Repeal section 82 and move the requirements to the regulations.

33 Existing Provision**Payment for performance of authorized business of conseil scolaire**

83(1) The conseil scolaire may pay to any of its members for attending to any business of the conseil scolaire entrusted to that member by the conseil scolaire:

(a) a reasonable daily remuneration: and

(b) a reasonable daily allowance or reimbursement for travel, food, lodging and any other out-of-pocket expenses incurred by the member while necessarily absent from his or her place of residence on any business of the conseil scolaire.

(2) The conseil scolaire shall fix the amounts mentioned in subsection (1).

(3) A member of the conseil scolaire claiming payment pursuant to this section shall file an itemized account listing the services performed and the distance travelled.

(4) The conseil scolaire shall pass a resolution authorizing a payment pursuant to this section before payment may be made.

1995, c.E-0.2, s.83; 1997, c.35, s.7; 1998, c.21, s.33 and 127.

Explanation

Repeal section 83 and move the requirements to the regulations.

34 Existing Provision**Power to designate portion of remuneration as expenses**

84(1) A board of education or joint board may, by resolution, provide that a specified proportion, not exceeding one-third, of the total sum paid by the school division pursuant to this Act to each member of the board in any year for his or her services is to be designated as having been paid with respect to general expenses incurred by the member that were necessary and incidental to the discharge of his or her duties as a member.

(2) The conseil scolaire may, by resolution, provide that a specified proportion, not exceeding one-third, of the total sum paid by the conseil scolaire pursuant to this Act to each member of the conseil scolaire in any year for his or her services is to be designated as having been paid with respect to general expenses incurred by the member that were necessary and incidental to the discharge of his or her duties as a member.

1995, c.E-0.2, s.84; 1998, c.21, s.34.

Explanation

Repeal section 84 and move the requirements to the regulations.

35 Existing Provision

Duties of the board of education

85(1) Subject to section 86, to any directive of the minister and to the duties of the conseil scolaire with respect to the division scolaire francophone and any Fransaskois school in a francophone education area, a board of education shall:

- (a) administer and manage the educational affairs of the school division in accordance with the intent of this Act and the regulations;
- (b) exercise general supervision and control over the schools in the school division and make any bylaws with respect to school management that may be considered necessary for effective and efficient operation of the schools;
- (c) subject to the other provisions of this Act, approve administrative procedures pertaining to the internal organization, management and supervision of the schools, but educational supervision authorized by the board of education is to be subject to the approval of the department;
- (d) provide and maintain school accommodation, equipment and facilities considered necessary and adequate for the educational programs and instructional services approved by the board of education for each of its schools;
- (e) appoint and employ under written contract qualified teachers for the schools of the school division, and any principals and other assistants as the board of education considers necessary;
- (f) prescribe, subject to sections 156 to 162, the age and time at which pupils may be admitted to kindergarten and grade 1 in any school in the school division;

- (g) determine what school any of the children of the school division shall attend;
- (h) determine what classrooms and schools are to be maintained in operation in the school division;
- (i) subject to section 120, determine and define the boundaries of school districts in the school division and make any changes to the boundaries that may be considered necessary;
- (j) subject to the regulations, authorize and approve the courses of study that constitute the instructional program of each school in the school division;
- (k) subject to the regulations, furnish transportation services to pupils and to children attending kindergarten or prekindergarten programs to and from school that may be considered by the board of education to be necessary to ensure access of pupils and children attending kindergarten or prekindergarten programs to, and regular attendance in, the schools of the school division;
- (l) subject to section 169, provide programs of instruction to the pupils resident in the school division at the cost of the school division and at reasonable convenience to the pupils;
- (m) prescribe, subject to sections 156 to 162, procedures for the administration of the provisions of this Act with respect to regular school attendance by pupils;
- (n) subject to the regulations, register and administer home-based education programs;
- (o) suspend or expel pupils for cause, subject to sections 154 and 155;
- (p) determine the location of, and make provision for, a head office of the board of education;
- (q) employ any staff considered necessary for the efficient management and execution of the policies, programs and business of the board of education;
- (r) keep a full and accurate record of the proceedings, transactions and financial affairs of the board of education;

(s) appoint an auditor for the board of education who is a member in good standing of an accounting profession recognized pursuant to *The Management Accountants Act*, *The Certified General Accountants Act, 1994* or *The Chartered Accountants Act, 1986* to audit the books and accounts of the board of education at least once in each fiscal year, but no person shall be appointed:

(i) who is then, or was during the preceding year, a member of the board of education;

(ii) who is then, or was during the preceding year, chief financial officer of the school division;

(iii) who has then, or had during the preceding year, an interest in a contract made by the board of education other than in a contract appointing that person as auditor; or

(iv) who is then, or was during the preceding year, employed by the board of education in any capacity except that of auditor;

(t) procure a corporate seal for the board of education;

(u) require that all funds in the control of the board are kept in a chartered bank or credit union, to be paid out in any manner that the board may determine;

(v) prepare or cause to be prepared any reports and returns concerning statistical data, budgetary information and reports respecting the operation of the board of education and its schools that may be required from time to time by the minister;

(w) prescribe procedures with respect to the design, maintenance and supervision of school accommodation for the purposes of maintaining satisfactory standards of comfort, safety and sanitation for the pupils and other users of the accommodation;

(x) define, regulate and control the uses, in addition to the regular school program, to which school buildings and other facilities of the school division may be put during both school and out-of-school hours;

(y) contract, in writing, with teachers and other personnel required for the administration of the services of the board, and terminate those contracts for cause in accordance with the provisions of this Act;

(z) participate in programs approved by the minister for the education and training of teachers;

(aa) subject to the regulations, furnish pupils with textbook, library book, reference book or other learning resource services at the cost of the school division;

(bb) insure and keep insured the school buildings and the equipment, furnishings and property of the school division;

(cc) keep in force a policy of insurance for the purpose of indemnifying:

(i) the board of education and its employees with respect to any claim for damages to property or for personal injury or death arising from any program, activity or service authorized or provided by the board of education, or from any approved activity mentioned in section 232;

(ii) the board of education and teachers employed by the board of education with respect to any claim for damages arising from the performance of duties and functions of teachers pursuant to this Act that are required or approved by the board of education;

(iii) the school division with respect to any claim for damages arising out of arrangements of the board of education for the transportation of persons to and from school or to and from other places for the purpose of engaging in activities authorized by the board of education; and

(iv) in the board of education's discretion, parents and citizen volunteers;

(dd) subject to the other provisions of this Act and the regulations, establish and approve policies and procedures respecting the formation, membership, elections, responsibilities and operation of school community councils.

(2) **Repealed.** 1996, c.45, s.6.

1995, c.E-0.2, s.85; 1996, c.45, s.6; 1998, c.21, s.35; 2006, c.18, s.10; 2009, c.13, s.9; 2009, c.15, s.4; 2012, c.10, s.8; 2013, c.9, s.9.

Explanation

Repeal section 85 and move the requirements to the regulations.

36 Existing Provision**Duties of conseil scolaire**

86 With respect to francophone education areas, fransaskois schools and the division scolaire francophone, the conseil scolaire, subject to any directive of the minister, shall:

- (a) administer and manage education matters in the division scolaire francophone in accordance with the intent of this Act and the regulations;
- (b) exercise general supervision and control over minority language instruction programs and fransaskois schools and make any bylaws that may be considered necessary for effective and efficient operation of Fransaskois schools and the delivery of minority language instruction programs;
- (c) subject to the other provisions of this Act, approve administrative procedures pertaining to the internal organization, management and supervision of the conseil scolaire and fransaskois schools, but any educational supervision authorized by the conseil scolaire is subject to the approval of the department;
- (d) provide and maintain fransaskois school accommodation, equipment and facilities considered necessary and adequate for the educational programs and instructional services approved by the conseil scolaire for each Fransaskois school;
- (e) appoint and employ under written contract qualified teachers for fransaskois schools, and any principals and other assistants as the conseil scolaire considers necessary;
- (f) prescribe, subject to sections 156 to 162, the age and time at which pupils may be admitted to kindergarten and grade 1 in any fransaskois school in a francophone education area;
- (g) determine which fransaskois school is to be attended by any child of a minority language adult who lives in the francophone education area and who chooses to have that child attend a fransaskois school in the francophone education area;
- (h) determine which classrooms and fransaskois schools are to be maintained in operation in a francophone education area;

(i) subject to section 122.1, determine and define the boundaries of attendance areas in a francophone education area and make any changes to the boundaries that may be considered necessary;

(j) subject to the regulations, authorize and approve the courses of study that constitute the instructional program in each francophone school;

(k) subject to the regulations, furnish transportation services to pupils and to children attending kindergarten or prekindergarten programs to and from francophone schools that may be considered by the conseil scolaire to be necessary to ensure access of pupils and children attending kindergarten or prekindergarten programs to, and regular attendance in, francophone schools;

(l) subject to section 168, provide, at the cost of the conseil scolaire and with reasonable convenience to pupils, programs of instruction to every pupil:

(i) who is entitled to receive those programs pursuant to section 143; and

(ii) whose parent or guardian chooses to have the pupil attend a francophone school;

(m) prescribe, subject to sections 156 to 162, procedures for the administration of the provisions of this Act with respect to regular school attendance by pupils;

(n) subject to the regulations, register and administer home-based education programs;

(o) suspend or expel pupils for cause, subject to sections 154 and 155;

(p) determine the location of, and make provision for, a head office of the conseil scolaire;

(q) employ any staff considered necessary for the efficient management and execution of the policies, programs and business of the conseil scolaire;

(r) keep a full and accurate record of the proceedings, transactions and financial affairs of the conseil scolaire;

(s) appoint an auditor for the conseil scolaire who is a member in good standing of an accounting profession recognized pursuant to *The Management Accountants Act*, *The Certified General Accountants Act, 1994* or *The Chartered Accountants Act, 1986* to audit the books and accounts of the conseil scolaire at least once in each fiscal year, but no person shall be appointed:

- (i) who is then, or was during the preceding year, a member of the conseil scolaire;
- (ii) who is then, or was during the preceding year, chief financial officer of the conseil scolaire;
- (iii) who has then, or had during the preceding year, an interest in a contract made by the conseil scolaire other than in a contract appointing that person as auditor; or
- (iv) who is then, or was during the preceding year, employed by the conseil scolaire in any capacity except that of auditor;
- (t) procure a corporate seal for the board of education;
- (u) require that all funds in the control of the conseil scolaire are kept in a chartered bank or credit union, to be paid out in any manner that the conseil scolaire may determine;
- (v) prepare or cause to be prepared those reports and returns concerning statistical data, budgetary information and reports respecting the operation of the conseil scolaire and the fransaskois schools that may be required by the minister;
- (w) prescribe procedures with respect to the design, maintenance and supervision of fransaskois school accommodation for the purposes of maintaining satisfactory standards of comfort, safety and sanitation for the pupils and other users of the accommodation;
- (x) define, regulate and control the uses, in addition to the regular Fransaskois school program, to which fransaskois school buildings and other facilities of the conseil scolaire may be put during both school and out-of-school hours;
- (y) contract, in writing, with teachers and other personnel required for the administration of the services of the conseil scolaire, and terminate those contracts for cause in accordance with the provisions of this Act;
- (z) participate in programs approved by the minister for the education and training of teachers;
- (aa) subject to clause 88(1)(g), operate using the French language;

(bb) subject to the regulations, furnish pupils with textbook, library book, reference book or other learning resource services at the cost of the conseil scolaire;

(cc) insure and keep insured the conseil scolaire buildings and the equipment, furnishings and property of the conseil scolaire;

(dd) keep in force a policy of insurance for the purpose of indemnifying:

(i) the conseil scolaire and its employees with respect to any claim for damages to property or for personal injury or death arising from any program, activity or service authorized or provided by the conseil scolaire, or from any approved activity mentioned in section 232;

(ii) the conseil scolaire and teachers employed by the conseil scolaire with respect to any claim for damages arising from the performance of duties and functions of teachers pursuant to this Act that are required or approved by the conseil scolaire;

(iii) the conseil scolaire with respect to any claim for damages arising out of arrangements of the conseil scolaire for the transportation of persons to and from school or to and from other places for the purpose of engaging in activities authorized by the conseil scolaire; and

(iv) in the conseil scolaire's discretion, parents and citizen volunteers;

(ee) receive proposals for the provision of minority language instruction programs pursuant to section 181 and organize and co-ordinate those programs that it considers appropriate;

(ff) for the purposes of voting and candidacy, assign a francophone education area to any parent of child who is receiving a program pursuant to section 181;

(gg) receive proposals for:

(i) changes to the boundaries of any francophone education area;

(ii) the establishment of a francophone education area;

(iii) changes to the boundaries of any existing attendance area;

(iv) the establishment of an attendance area;

(hh) approve, reject or amend, subject to this Act, any proposal received pursuant to clause (gg);

(ii) facilitate negotiations and make recommendations to the minister, when assets and liabilities are transferred between a school division and the conseil scolaire, with respect to the basis and terms of the settlement and adjustment and the manner in which they shall be given effect.

1998, c.21, s.36; 2006, c.18, s.11; 2009, c.13, s.10;
2009, c.15, s.5; 2012, c.10, s.9; 2013, c.9, s.10.

Explanation

Repeal section 86 and move the requirements to the regulations.

37 Existing Provision

Powers of board

87(1) Subject to the powers of the conseil scolaire with respect to the division scolaire francophone and minority language instruction programs, a board of education may:

(a) employ, or retain the services of, any ancillary personnel that may be considered necessary to administer the policies and programs of the board of education;

(b) enter into agreements for any purpose considered necessary and advantageous to the quality and efficiency of educational and related services with:

(i) other boards of education;

(ii) the conseil scolaire;

(iii) **Repealed.** 1998, c.21, s.37.

(iv) municipalities;

(v) specialized institutions;

(vi) universities;

(vii) departments of the Government of Saskatchewan;

- (viii) governments of other provinces of Canada or an agency of any of those governments;
- (ix) the Government of Canada or an agency of that Government;
- (x) any Indian band;
- (c) enter into agreements with other boards of education or with the conseil scolaire or with Indian bands for the purpose of providing, procuring or administering jointly any service of mutual benefit and convenience;
- (d) enter into agreements with Indian bands with respect to the payment of compensation to the board of education for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the school division being set apart as an Indian reserve;
- (e) furnish educational supplies and food services at a nominal cost to pupils or, where it is considered advisable by the board of education, at the cost of the school division;
- (f) subject to the regulations, approve textbooks, library books, reference books and other learning resources;
- (g) approve of and provide for membership in provincial and national educational associations by the board of education and officers of the board of education, and provide for attendance at meetings of those associations;
- (h) authorize expenditures with respect to functions and activities that have been approved by the board of education with respect to a school community council;
- (i) acquire by gift, devise or bequest real or personal property of any kind on behalf of the school division, for the purposes of the school division, subject to the terms, if any, of the gift, devise or bequest and, notwithstanding any other provision of this Act, shall dispose of any real or personal property acquired in accordance with those terms;
- (j) invest any moneys of the board of education in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;
- (k) dispose of any investment made pursuant to clause (j) in any manner, on any terms, and in any amount that the board of education considers expedient;

(l) subject to section 347 and to the regulations, dispose of or lease property of the school division and grant easement over any of the real property of the school division;

(m) become a member of a co-operative association or a credit union or hold additional shares of which the board of education becomes the owner by application of the dividends;

(n) provide for any meetings, seminars, workshops and conventions of members of the board of education, members of school community councils, electors and teachers that may be considered advisable for the purposes of educational planning and development in the school division;

(o) **Repealed.** 2006, c.18, s.12.

(p) grant leave of absence to teachers and other employees of the board of education;

(q) provide scholarships, bursaries or similar awards for the purposes of the attendance of teachers and pupils at post-secondary institutions;

(r) provide for the payment of a gratuity or an annual allowance to any employee of the board of education on retirement on account of age and may, in its discretion, adjust or revise the annual allowance of that employee in subsequent years;

(s) pay from funds of the school division the employer's contribution to an approved pension plan to which the board of education and its employees, other than teachers, are parties under a contract for that purpose;

(t) in the case of a separate school division, prescribe the qualifications of teachers who are to provide religious instruction;

(u) pay, for membership in an association of trustees organized in the province, the appropriate sum set out in a schedule of fees adopted by the association at an annual convention or by the executive committee of the association pursuant to a direction of the association at an annual convention, and submitted to the minister and approved by the minister, but, where the minister does not approve a schedule of fees submitted to him or her, the last schedule of fees approved by the minister continues to apply;

(v) provide for the collection of a reasonable sum from pupils for:

(i) the purposes of recovery of inadvertent or accidental damage or loss of school property resulting from acts of the pupils that are not necessarily attributable to wilful neglect or disregard for school property;

(ii) the purposes of fees or dues with respect to student organizations and related activities approved by the school;

(w) with respect to any school that is not situated in a school district, close the school or discontinue one or more grades or years taught in the school;

(x) with respect to any school situated in a school district, in accordance with sections 87.1 to 87.7 but subject to section 87.8, close the school or discontinue one or more grades or years taught in the school;

(y) where it is considered advisable and expedient by the board of education to provide certain instructional services at schools or institutions outside the school division, enter into agreements with boards of education of other school divisions, conseils scolaires or the governing bodies of any agencies or institutions approved by the department to furnish the desired services;

(z) where provision is made by the board of education for the attendance of a pupil at a school outside the school division, provide for payment to the parent or guardian of that pupil any sum that the board of education may determine on account of, or in lieu of, the cost of transportation;

(aa) offer courses during a summer vacation and charge a fee to individuals who enrol in the courses;

(aa.1) co-operate in, participate in or facilitate the co-ordination, administration or provision of educational programs for children who are not yet eligible to be enrolled in kindergarten in a school in the school division pursuant to clause 85(1)(f);

(bb) by resolution, provide for or authorize any actions, procedures or policies that are ancillary to or necessary for the carrying out of any duties or the exercise of any powers imposed or conferred on it by this Act.

(2) **Repealed.** 2008, c.11, s.5.

(3) **Repealed.** 2008, c.11, s.5.

Explanation

Repeal section 87 and move the requirements to the regulations.

38 Existing Provision**Consent of school community council to school closure or discontinuance of grades or years**

87.1(1) With respect to any school situated in a school district, the board of education may close the school or discontinue one or more grades or years taught in the school if, before the effective date of the closure or the discontinuance of grades or years, the board of education obtains the consent of the school community council to the closure or the discontinuance, as the case may be.

(2) The effective date of the school changes mentioned in subsection (1) must be set in accordance with section 87.7.

2008, c.11, s.6.

Explanation

Repeal section 87.1 and move the requirements to the regulations.

39 Existing Provision**School review**

87.2(1) Notwithstanding section 87.1, the board of education may close any school situated in a school district or discontinue one or more grades or years taught in the school if:

(a) on or before October 15 of the year before the year in which the potential closure of the school or discontinuance of grades or years taught in the school is to come into effect, the board of education:

(i) passes a motion to review the school;

(ii) adopts the criteria for the review in accordance with the regulations, any policies that may be established by the minister, and any policies that may be established by the board of education; and

(iii) notifies the public of its intention to review the school and of the review criteria adopted pursuant to subclause (ii);

(b) on or before November 1 of the year before the year in which the potential closure of the school or discontinuance of grades or years taught in the school is to come into effect, the board of education establishes a school review committee in accordance with section 87.4; and

(c) in accordance with sections 87.5 to 87.7, the board of education completes a review of the school and passes a motion to close the school or to discontinue one or more grades or years taught in the school, as the case may be.

(2) Any policies established by a board of education respecting the carrying out of a school review pursuant to this section must not be inconsistent with the regulations or any policies that may be established by the minister.

2008, c.11, s.6.

Explanation

Repeal section 87.2 and move the requirements to the regulations.

40 Existing Provision

Notice re school review

87.3 With respect to any notice to be given by a board of education pursuant to sections 87.2 to 87.6, the board of education must:

(a) publish the notice in at least one issue of a newspaper having general circulation in the school district, attendance area, town or village in which the school that is the subject of the review is situated; and

(b) post the notice:

(i) in at least five widely-separated, conspicuous locations in the school district or attendance area in which the school that is the subject of the review is situated;

(ii) in the building in which the headquarters of the school division are located; and

(iii) on the website of the board of education.

2008, c.11, s.6.

Explanation

Repeal section 87.3 and move the requirements to the regulations.

41 Existing Provision**School review committee**

87.4(1) In this section, “**hamlet**” and “**hamlet board**” have the meanings ascribed to them in *The Municipalities Act*.

(2) For the purposes of clause 87.2(1)(b), the board of education shall establish a school review committee consisting of:

(a) four members of the school community council representing the school under review, appointed by the school community council, but not including any member appointed to the school community council pursuant to subclause 3.4(3)(a)(ii) or (iii) or 3.4(3)(b)(ii) or (iii) of *The Education Regulations, 1986*;

(b) two individuals appointed by the council of the town or village, or by the hamlet board of the hamlet, in which the school under review is situated:

(i) one of whom is an elected member of the council of the town or village, or of the hamlet board of the hamlet, in which the school under review is situated; and

(ii) one of whom is not an elected member of the council or hamlet board mentioned in subclause (i) but is a resident of the town, village or hamlet in which the school under review is situated;

(c) excluding the municipalities mentioned in clause (b), two individuals appointed jointly by the councils of the municipalities located within the electoral area of the school community council of the school under review:

(i) one of whom is an elected member of the council of one of those municipalities; and

(ii) one of whom is a resident of one of those municipalities but not an elected member of the council of any municipality; and

(d) if a pupil at the school resides on an Indian reserve, one individual appointed by the Indian band for whose use and benefit the Indian reserve where the pupil resides has been set aside, if the Indian band elects to be represented on the school review committee.

(3) The names of the individuals appointed in accordance with subsection (2) must be submitted to the board of education not later than October 31 of the year in which the review was announced in accordance with section 87.2.

(4) If the name of any individual to be appointed in accordance with subsection (2) is not submitted to the board of education by the date mentioned in subsection (3), the board of education shall constitute the school review committee in accordance with the regulations.

(4.1) Notwithstanding any other provision of this Act or the regulations, if none of the parties mentioned in clauses (2)(b), (c) and (d) appoint an individual to be a member of the school review committee by the date mentioned in subsection (3), the board of education is not required to establish a school review committee.

(5) The purposes of the school review committee are:

(a) to gain an understanding of the board of education's review process and to share information with the board of education to facilitate the development of viable options for the school that is the subject of the review;

(b) to bring forward information and additional considerations to the board of education, in the form of written submissions, in the context of the school review; and

(c) to share information respecting the review process with the public and to provide the board of education with written feedback from the public as the review progresses.

2008, c.11, s.6; 2009, c.13, s.12.

Explanation

Repeal section 87.4 and move the requirements to the regulations.

42 Existing Provision

Meeting of electors re consideration of school closure or discontinuance of grades or years

87.5(1) If the board of education decides to consider the closure of any school that has been the subject of a review pursuant to section 87.2 or the discontinuance of one or more grades or years taught in the school, the board of education must, not later than February 1 of the year in which the potential closure of the school or discontinuance of grades or years taught in the school is to come into effect:

(a) pass a motion:

(i) to consider the possible closure of the school or discontinuance of one or more grades or years taught in the school, as the case may be; and

(ii) stating the effective date of the possible closure or discontinuance, determined in accordance with section 87.7; and

(b) in accordance with section 87.3, notify the public of the motion passed pursuant to clause (a).

(2) The board of education, not later than March 31 of the year in which the potential closure of the school or discontinuance of grades or years taught in the school is to come into effect, must hold a meeting of the electors of the school community council to advise the electors of the motion passed by the board of education pursuant to subsection (1).

(3) In accordance with section 87.3, the board of education shall notify the public of the meeting to be held pursuant to subsection (2) at least 14 days before the date fixed for the meeting.

2008, c.11, s.6.

Explanation

Repeal section 87.5 and move the requirements to the regulations.

43 Existing Provision

Final motion and implementation plan re school closure or discontinuance of grades or years

87.6(1) If, having followed the procedures required by sections 87.2 to 87.5 and the regulations, the board of education decides to close a school or to discontinue one or more grades or years taught in the school, the board of education must pass a motion to that effect:

(a) by not later than April 30 of the year in which the closure of the school or discontinuance of grades or years taught in the school is to come into effect; and

(b) stating the effective date of the closure or discontinuance, determined in accordance with section 87.7.

(2) In accordance with section 87.3, the board of education shall notify the public of the motion passed pursuant to subsection (1).

(3) After passing a motion pursuant to subsection (1), the board of education, in consultation with the school community councils of the affected schools, must develop and adopt an implementation plan respecting the closure of the school or discontinuance of one or more grades or years taught in the school, by not later than June 15 of the year in which these changes are to come into effect.

(4) By not later than June 30 of the year in which the closure of the school or discontinuance of one or more grades or years taught in the school is to come into effect, the board of education, in accordance with section 87.3, shall notify the public of where to view the implementation plan adopted pursuant to subsection (3).

2008, c.11, s.6.

Explanation

Repeal section 87.6 and move the requirements to the regulations.

44 Existing Provision

Effective date of school closure or discontinuance of grades or years

87.7(1) For the purposes of sections 87.1 to 87.6, the effective date of the closure of a school or the discontinuance of one or more grades or years taught in the school must be:

- (a) not earlier than the end of the last school day of the school year; and
- (b) not later than the day before the first school day of the following school year.

(2) For the purpose of subsection (1), the school year is as determined in accordance with section 163 and the regulations.

2008, c.11, s.6; 2012, c.10, s.10.

Explanation

Repeal section 87.7 and move the requirements to the regulations.

45 Existing Provision

School of opportunity

87.8(1) In this section and in section 370, “**school of opportunity**” means a school designated by the minister in accordance with this section as a school of opportunity.

(2) Notwithstanding the decision of a board of education to close a school in accordance with section 87.6, the school shall remain open in accordance with this section if the minister, by order, designates the school as a school of opportunity.

(3) Notwithstanding the decision of a board of education to close a school effective in 2009 or later in accordance with section 87 as that section existed immediately before the coming into force of this section, the school shall remain open in accordance with this section if the minister, by order, designates the school as a school of opportunity.

(4) The minister may designate a school as a school of opportunity in accordance with subsection (2) or (3) if the school meets the criteria, terms and conditions prescribed in the regulations to be designated as a school of opportunity.

(5) Subject to the other provisions of this section, a school of opportunity shall remain open for the period specified by the minister in the order designating the school as a school of opportunity, which period shall not exceed three school years.

(5.1) For any school that the minister designated in 2009 as a school of opportunity before subsection 2(2) of *The Education Amendment Act, 2009 (No. 2)* came into force, the minister may extend the school's designation as a school of opportunity for a period not exceeding three school years from the date of the original designation.

(6) While a school is designated as a school of opportunity, the board of education responsible for the school shall neither:

(a) conduct a review of the school pursuant to sections 87.2 to 87.5; nor

(b) close the school.

(7) In accordance with any terms and conditions that may be prescribed in the regulations, the minister may make grants to a board of education that is responsible for a school of opportunity, in addition to any grant that the minister may make to the board of education pursuant to sections 310 and 311.

(8) In accordance with the criteria prescribed in the regulations, if the minister considers it appropriate to do so, the minister may:

(a) review the designation of a school of opportunity before the expiry date of the designation; and

(b) based on a review carried out pursuant to clause (a):

(i) continue the designation of the school as a school of opportunity until the original expiry date of the designation or until any new date set by the minister that is earlier than the original expiry date of the designation; or

(ii) remove the designation of the school as a school of opportunity.

(9) If, on expiry or removal of the designation of the school as a school of opportunity, the minister advises the board of education that the school has met the criteria prescribed in the regulations to remain open, the board of education shall not close the school until it conducts a new review of the school in accordance with sections 87.2 to 87.5.

(10) If, on expiry or removal of the designation of the school as a school of opportunity, the minister advises the board of education that the school has failed to meet the criteria prescribed in the regulations to remain open, the board of education may set a new effective date in accordance with section 87.7 to close the school and proceed in accordance with subsections 87.6(3) and (4) with an implementation plan to close the school.

(11) Any school that has been designated as a school of opportunity shall not be designated again as a school of opportunity after its designation has expired or been removed by the minister.

2008, c.11, s.6; 2009, c.14, s.2.

Explanation

Repeal section 87.8 and move the requirements to the regulations.

46 Existing Provision

Powers of conseil scolaire

88(1) Subject to section 87, the conseil scolaire may:

(a) employ, or retain the services of, any ancillary personnel that may be considered necessary to administer the policies and programs of the conseil scolaire;

(b) enter into agreements for any purpose considered necessary and advantageous to the quality and efficiency of educational and related services to the pupils of the division scolaire francophone with:

(i) boards of education;

- (ii) municipalities;
 - (iii) specialized institutions;
 - (iv) universities;
 - (v) departments of the Government of Saskatchewan;
 - (vi) governments of other provinces of Canada or an agency of any of those governments;
 - (vii) the Government of Canada or an agency of that Government;
 - (viii) any Indian Band;
- (c) enter into agreements with boards of education or Indian Bands for the purpose of providing, procuring or administering jointly any service of mutual benefit and convenience;
- (d) furnish educational supplies and food services at a nominal cost to pupils or, where it is considered advisable by the conseil scolaire, at the cost of the conseil scolaire;
- (e) subject to the regulations, approve textbooks, library books, reference books and other learning resources for use in francophone schools;
- (f) approve of and provide for membership in provincial and national educational associations by the conseil scolaire or conseils d'écoles, and officers of the conseil scolaire, and provide for attendance at meetings of those associations;
- (g) where it is required in the circumstances, operate using a language other than the French language;
- (h) acquire by gift, devise or bequest real or personal property of any kind on behalf of the conseil scolaire or a conseil d'école, subject to the terms, if any, of the gift, devise or bequest and, notwithstanding any other provision of this Act, shall dispose of any real or personal property acquired in accordance with those terms;
- (i) invest any moneys of the conseil scolaire in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;

(j) dispose of any investment made pursuant to clause (i) in any manner, on any terms, and in any amount that the conseil scolaire considers expedient;

(k) subject to section 347 and to the regulations, dispose of or lease property of the conseil scolaire and grant easement over any of the real property of the conseil scolaire;

(l) become a member of a co-operative association or a credit union or hold additional shares of which the conseil scolaire becomes the owner by application of the dividends;

(m) provide for any meetings, seminars, workshops and conventions of members of the conseil scolaire, members of conseils d'écoles, voters and teachers that may be considered advisable for the purposes of educational planning and development in the division scolaire francophone;

(n) authorize expenditures with respect to functions and activities that have been approved by the conseil scolaire with respect to a conseil d'école;

(o) consider and determine policy with respect to services approved or requested by a conseil d'école;

(p) grant leave of absence to teachers and other employees of the conseil scolaire;

(q) provide scholarships, bursaries or similar awards for the purposes of the attendance of teachers and pupils at post-secondary institutions;

(r) provide for the payment of a gratuity or an annual allowance to any employee of the conseil scolaire on retirement on account of age and may, in its discretion, adjust or revise the annual allowance of that employee in subsequent years;

(s) pay from funds of the conseil scolaire the employer's contribution to an approved pension plan to which the conseil scolaire and its employees, other than teachers, are parties under a contract for that purpose;

(t) pay, for membership in an association of trustees organized in the province, the appropriate sum set out in a schedule of fees adopted by the association at an annual convention or by the executive committee of the association pursuant to a direction of the association at an annual convention, and submitted to the minister and approved by the minister, but, where the minister does not approve a schedule of fees submitted to him or her, the last schedule of fees approved by the minister continues to apply;

(u) provide for the collection of a reasonable sum from pupils for:

(i) the purposes of recovery of inadvertent or accidental damage or loss of fransaskois school property resulting from acts of the pupils that are not necessarily attributable to wilful neglect or disregard for Fransaskois school property;

(ii) the purposes of fees or dues with respect to student organizations and related activities approved by the conseil d'école;

(v) within the division scolaire francophone, create new attendance areas or alter the existing attendance area boundaries;

(w) with respect to any fransaskois school:

(i) close the school or discontinue one or more grades or years taught in the school where the conseil scolaire has, prior to the effective date of the closure or discontinuance of grades or years, obtained the consent of the conseil d'école of the school to close the school or discontinue one or more grades or years taught in the school, as the case may be; or

(ii) subject to subsection (2), close the school or discontinue one or more grades or years taught in the school where the conseil scolaire has:

(A) at least 10 days prior to the day on which the meeting mentioned in paragraph (B) is held, given notice of the meeting mentioned in paragraph (B) in accordance with subsection (3);

(B) at least three months prior to the notification mentioned in paragraph (C), convened a meeting of the voters of the francophone education area to advise the voters that the closure of the school or the discontinuance of one or more grades or years taught in the school is being considered by the conseil scolaire;

(C) at least three months prior to the effective date of the closure of the school or discontinuance of one or more grades or years taught in the school, as the case may be, by registered mail, notified the conseil d'école of the school, of:

(I) the conseil scolaire's decision to close the school; or

(II) the conseil scolaire's decision to discontinue one or more grades or years taught in the school; and

(D) following the notification mentioned in paragraph (C) and prior to the effective date of the closure of the school or discontinuance of one or more grades or years taught in the school, as the case may be, consulted with the conseil d'école of the school with respect to educational services for pupils who will be affected by the closure or discontinuance of one or more grades or years, as the case may be;

(x) where it is considered advisable and expedient by the conseil scolaire to provide certain instructional services at schools or institutions outside the division scolaire francophone, enter into agreements with a board of education or the governing body of any agencies or institutions approved by the department to furnish the desired services;

(y) where provision is made by the conseil scolaire for the attendance of a pupil at a school outside the francophone education area, provide for payment to the parent or guardian of that pupil any sum that the conseil scolaire may determine on account of, or in lieu of, the cost of transportation;

(z) offer courses during a summer vacation and charge a fee to individuals who enrol in the courses;

(aa) co-operate in, participate in or facilitate the co-ordination, administration or provision of educational programs for children who are not yet eligible to be enrolled in kindergarten in a fransaskois school in the francophone education area pursuant to clause 86(f);

(bb) by resolution, provide for or authorize any actions, procedures or policies that are ancillary to or necessary for the carrying out of any duties or the exercise of any powers imposed or conferred on it by this Act.

(2) The conseil scolaire may close a fransaskois school or discontinue one or more grades or years taught in a fransaskois school, pursuant to subclause (1)(w)(ii), only where the effective date of the closure or discontinuance occurs during the period:

(a) commencing at the end of the day determined by the conseil scolaire, pursuant to section 163 and the regulations, as the last school day in one school year; and

(b) ending on the day prior to the day determined by the conseil scolaire, pursuant to section 163 and the regulations, as the first school day in the school year following the school year mentioned in clause (a).

(3) The conseil scolaire, with respect to a notice mentioned in paragraph (1)(w)(ii)(A), shall:

(a) publish the notice:

(i) in at least one issue of a newspaper published and circulating in the francophone education area or in any town or village adjacent to the francophone education area in which the fransaskois school that is to be the subject of the meeting is situated; or

(ii) where there is no newspaper of the kind mentioned in clause (a), in at least one issue of a newspaper having general circulation in the francophone education area in which the fransaskois school that is to be the subject of the meeting is situated; and

(b) post the notice:

(i) in at least five widely-separated, conspicuous locations in the francophone education area in which the fransaskois school that is to be the subject of the meeting is situated; and

(ii) in the building in which the headquarters of the conseil scolaire are located.

1998, c.21, s.38; 2006, c.18, s.13; 2009, c.13, s.13; 2012, c.10, s.11.

Explanation

Repeal section 88 and move the requirements to the regulations.

47 Existing Provision**Responsibility of members of board or conseil scolaire for fulfilment of contracts**

89 If a board of education or the conseil scolaire wilfully neglects or refuses to exercise the powers vested in it by this Act for the fulfilment of any contract made by it, each member of the board of education or the conseil scolaire is individually responsible for the fulfilment of the contract unless he or she shows to the satisfaction of a court of competent jurisdiction that he or she has made reasonable efforts to have the board of education or the conseil scolaire carry out its contract.

1995, c.E-0.2, s.89; 1998, c.21, s.127

Explanation

Repeal section 89 and move the requirements to the regulations.

48 Existing Provision**Liability of member of board of education or conseil scolaire**

90(1) Members of a board of education who wilfully vote for or sanction any illegal action are jointly or severally liable for:

- (a) any sum of money over the amount permitted pursuant to this Act for which the school division has been made liable through that action; and
- (b) the total amount of money that is misappropriated.

(2) Any two electors of a school division may bring an action in a court of competent jurisdiction for the recovery of the amounts mentioned in subsection (1) as a debt to the school division from members of the board of education mentioned in subsection (1).

(3) Members of the conseil scolaire who wilfully vote for or sanction any illegal action are jointly or severally liable for:

- (a) any sum of money over the amount permitted pursuant to this Act for which the conseil scolaire has been made liable through that action; and
- (b) the total amount of money that is misappropriated.

(4) Any two voters of a francophone education area may bring an action in a court of competent jurisdiction for the recovery of the amounts mentioned in subsection

(3) as a debt to the conseil scolaire from members of the conseil scolaire mentioned in subsection (3).

1995, c.E-0.2, s.90; 1997, c.35, s.8; 1998, c.21, s.128.

Explanation

Repeal section 90 and move the requirements to the regulations.

49 Existing Provision

Agreement to provide services jointly

92(1) A board of education may enter into an agreement with any other board of education or boards of education, a municipal authority, an Indian band, the Government of Saskatchewan, a local school authority in another province or the Government of Canada for the purpose of providing pupils with any instruction, courses or special services that are permitted or required pursuant to this Act.

(2) An agreement entered into pursuant to subsection (1) may include:

- (a) acquiring, extending or improving a school site;
- (b) acquiring, erecting, repairing, furnishing and equipping school buildings or dormitories;
- (c) employing teachers to give instruction;
- (d) employing any supervisors and other employees that may be required for the management, supervision and maintenance of those buildings and dormitories.

(3) Agreements may be entered into pursuant to this section where it is mutually agreed between the parties to the agreement that the services are to be provided inside or outside the school division.

1995, c.E-0.2, s.92.

Explanation

Repeal section 92 and move the requirements to the regulations.

50 Existing Provision**Joint board**

93(1) For the purposes of administering the affairs of a school, program or service under the terms of an agreement mentioned in section 92, a board of education may establish a joint board with the other party or parties to the agreement.

(2) A joint board established pursuant to subsection (1) is to consist of members of the boards of education or governing bodies of the school divisions or other agencies that are parties to the agreement pursuant to the terms of the agreement.

(3) The parties to the agreement, with the approval of the minister, may delegate to the joint board any authority and duties set out in the agreement.

(4) The agreement may include provisions respecting appointments and the terms of office of joint board members.

1995, c.E-0.2, s.93.

Explanation

Repeal section 93 and move the requirements to the regulations.

51 Existing Provision**Powers and duties of joint board**

94(1) The powers, duties and procedures of a joint board are to be prescribed in the agreement mentioned in section 92 or in a memorandum of understanding between the parties to the agreement.

(2) Every joint board shall function in the manner prescribed and in accordance with the provisions of this Act with respect to the powers and duties of members of boards of education.

1995, c.E-0.2, s.94.

Explanation

Repeal section 94 and move the requirements to the regulations.

52 Existing Provision**Procedures applicable to joint boards**

95 Sections 72 to 80 shall apply, with any necessary modification, to the organizational meeting and other meetings of a joint board, to notices of meetings and to rules of procedure with respect to the conduct of meetings.

1995, c.E-0.2, s.95.

Explanation

Repeal section 95 and move the requirements to the regulations.

53 Existing Provision**Minutes of joint board**

96(1) A joint board shall:

- (a) submit, immediately after each meeting, an accurate record of the proceedings of that meeting to the parties to the agreement mentioned in section 92;
- (b) make available for inspection by any party to the agreement mentioned in section 92, during regular office hours of the joint board, the record of its proceedings, including:
 - (i) the minutes of the joint board in closed session;
 - (ii) the transactions of the joint board; and
 - (iii) the financial affairs of the joint board;
- (c) make available for inspection by any person, during regular office hours of the joint board, the minutes of the joint board after they have been adopted by the joint board;
- (d) by resolution:
 - (i) define those matters, in addition to the minutes of the joint board mentioned in clause (c), that may be inspected by any person; and
 - (ii) authorize the manner and the form in which the matters mentioned in subclause (i) may be made available for inspection;

(e) subject to subsection (2), within a reasonable period after a request by any person, furnish to that person copies of the whole or any part of any document made available pursuant to clause (b), (c) or (d) at any rate that the joint board may fix.

(2) The maximum rate the joint board may fix for the purposes of clause (1)(e) is not to exceed the costs incurred by the joint board in furnishing the copies.

1995, c.E-0.2, s.96.

Explanation

Repeal section 96 and move the requirements to the regulations.

54 Existing Provision

Annual meeting of electors

97(1) Except in the year the school division is established and subject to subsection (2), a board of education shall convene an annual meeting of the electors of the school division, sub-division, combination of sub-divisions or part of a subdivision after the receipt of the audited financial statement of the board of education.

(2) In a year a general election of members of the board of education is held, the annual meeting must be held before the general election.

(3) The board of education division shall give notice of every annual meeting of electors to be held pursuant to subsection (1) or (2), and subsection 45(3) of *The Local Government Election Act* applies, with any necessary modification, to that notice.

(4) The board of education, after consultation with the school community councils in the school division, shall determine the order of business of each annual meeting.

(5) Not less than 14 days prior to the annual meeting, the board of education shall provide to each school community council in the school division copies of:

(a) the report of the board of education with respect to educational developments in the year preceding the annual meeting;

(b) the report of the auditor and financial statement for the preceding year; and

(c) the report of the director for the preceding year concerning progress of education in the schools of the division.

(6) At the start of the annual meeting, the electors present at the meeting shall elect one of their number to preside as chairperson and one other to act as secretary for the annual meeting.

(7) The chairperson shall:

(a) conduct the annual meeting in accordance with the order of business mentioned in subsection (4); and

(b) entertain any discussion of the order of business, including resolutions, exchange of information and views on educational plans and policies, and questions concerning the reports mentioned in subsection (5).

(8) The secretary of the annual meeting shall:

(a) prepare a statement of the proceedings of the annual meeting; and

(b) forward a copy of that statement to:

(i) the board of education; and

(ii) each school community council in the school division.

1995, c.E-0.2, s.97; 2006, c.18, s.14; 2009, c.13, s.14.

Explanation

Repeal section 97 and move the requirements to the regulations.

55 Existing Provision

Special meetings of electors

98(1) A special meeting of the electors of a school division may be held at any time for any necessary purpose not provided for by this Act.

(2) The board of education:

(a) may call a special meeting, on its own initiative; and

(b) shall call a special meeting:

- (i) when requested to do so by the minister; or
- (ii) on receipt of a written request signed by no fewer than 25 electors of the school division.

(3) The notice calling a special meeting must set out the place, date, time and purposes of the special meeting, and subsection 45(3) of *The Local Government Election Act* applies, with any necessary modification, to that notice.

(4) The electors in attendance at a special meeting shall elect a chairperson and secretary for the special meeting.

(5) A special meeting is to be called and conducted in accordance with the procedures set out in section 97.

(6) Only business that is set out in the notice mentioned in subsection (3) is to be considered at the special meeting.

1995, c.E-0.2, s.98; 2009, c.13, s.15.

Explanation

Repeal section 98 and move the requirements to the regulations.

56 Existing Provision

Meetings of electors to review services

99(1) The board of education shall, at the annual meeting of electors, or at a special meeting of electors convened for the purpose, conduct a review and evaluation of educational services available to the pupils of the school division where:

- (a) there is no school in operation in the school division;
- (b) the board of education considers it inadvisable to continue the operation of at least one school in the school division; or
- (c) the maintenance of a satisfactory standard of educational services appears to be in doubt because of declining enrolment or other circumstances of the school division.

(2) The board of education shall advise the minister of any decisions or recommendations that result from the consultation mentioned in subsection (1) to the extent that they may apply to the operation and future development of the school division.

Explanation

Repeal section 99 and move the requirements to the regulations.

57 Existing Provision**Annual meeting of voters in francophone education area**

100(1) Except in the year the conseil scolaire is established and subject to subsection (2), the conseil scolaire shall convene an annual meeting of the voters of the division scolaire francophone after the receipt of the audited financial statement of the conseil scolaire.

(2) In a year a general election of members of the conseil scolaire is held, the annual meeting must be held before the general election.

(3) The conseil scolaire shall give notice, in accordance with *The Conseil Scolaire Election Regulations* of every annual meeting of voters to be held pursuant to this Act.

(4) The order of business of each annual meeting shall be determined by the conseil scolaire.

(5) At the start of the annual meeting, the voters present at the annual meeting shall elect one of their number to preside as président and one other to act as secretary for the annual meeting.

(6) The président shall:

(a) conduct the meeting in accordance with the order of business mentioned in subsection (4); and

(b) entertain any discussion of the order of business, including resolutions and exchanges of information and views on educational plans and policies.

(7) The secretary of the meeting shall:

(a) prepare a statement of the proceedings of the annual meeting; and

(b) forward a copy of that statement to the conseil scolaire and each conseil d'école.

1995, c.E-0.2, s.100; 1998, c.21, s.40; 2009, c.13, s.16.

Explanation

Repeal section 100 and move the requirements to the regulations.

58 Existing Provision

Special meetings of voters

101(1) A special meeting of the voters of the division scolaire francophone may be held at any time for any necessary purpose not provided for by this Act.

(2) The conseil scolaire:

(a) may call a special meeting, on its own initiative; and

(b) shall call a special meeting:

(i) when requested to do so by the minister; or

(ii) on receipt of a written request signed by no fewer than 25 voters of the division scolaire francophone.

(3) The notice calling a special meeting shall set out the place, date, time and purpose of the meeting, and *The Conseil Scolaire Election Regulations* apply, with any necessary modification, to that notice.

(4) The voters in attendance at a special meeting shall elect a président and a secretary for the meeting.

(5) A special meeting is to be called and conducted in accordance with the procedures set out in section 100.

(6) Only business that is set out in the notice mentioned in subsection (3) is to be considered at the special meeting.

1995, c.E-0.2, s.101; 1998, c.21, s.41; 2009, c.13, s.17.

Explanation

Repeal section 101 and move the requirements to the regulations.

59 Existing Provision

Administrative Manuals

103(1) Subject to subsection (2), every board of education shall prepare an administrative manual in the form and with the content it considers appropriate to its purposes and jurisdiction pursuant to this Act with respect to program policies, administrative organization and general management for the school division.

(2) Administrative manuals must include:

(a) a statement of the policies adopted, approved or authorized by the board of education with respect to:

(i) the educational objectives, program development, provision of educational services; and

(ii) the general supervision and efficient management of the educational affairs of the school division;

(b) a definition of the administrative organization adopted by the board of education for the purposes of the administration and supervision of its educational and financial policies.

(3) Subject to subsections (4) and (5), the conseil scolaire shall prepare an administrative manual in the form and with the content it considers appropriate to its purposes and jurisdiction pursuant to this Act with respect to program policies, administrative organization and general management for the division scolaire francophone and francophone education areas.

(4) The administrative manual must include:

(a) a statement of the policies adopted, approved or authorized by the conseil scolaire with respect to:

(i) the educational objectives, program development, provision of educational services in each attendance area; and

(ii) the general supervision and efficient management of the educational affairs of the division scolaire francophone; and

(b) a definition of the administrative organization adopted by the conseil scolaire for the purposes of the administration and supervision of its educational and financial policies.

(5) The conseil scolaire shall develop the administrative manual in consultation with the conseils d'écoles.

1998, c.21, s.43.

Explanation

Repeal section 103 and move the requirements to the regulations.

60 Existing Provision

Duties of chairperson of board of education

104(1) The chairperson of a board of education shall exercise general supervision over the affairs of the school division.

(2) In the absence of the chairperson, the duties mentioned in subsection (1) are performed by the vice-chairperson of the board of education or, where the vice-chairperson is also absent, by a person appointed by the remaining members of the board of education from among their number to act as chairperson during the absence of the chairperson and the vice-chairperson.

1995, c.E-0.2, s.104.

Explanation

Repeal section 104 and move the requirements to the regulations.

61 Existing Provision

Duties of président of conseil scolaire

105(1) The président of the conseil scolaire shall exercise general supervision over the affairs of the conseil scolaire.

(2) In the absence of the président, the vice-président of the conseil scolaire may perform the duties mentioned in subsection (1) or, where the vice-président is also absent, by a person appointed by the remaining members of the conseil scolaire from among their number to act as président during the absence of the président and the vice-président.

Explanation

Repeal section 105 and move the requirements to the regulations.

62 Existing Provision**Committees**

106(1) A board of education or the conseil scolaire may appoint, by resolution, any standing committees or special committees consisting of one or more members of the board of education or the conseil scolaire.

(2) A board of education may delegate to any committee appointed by it pursuant to subsection (1):

(a) the inquiry into or consideration, management or regulation of any administrative matters that the board of education considers appropriate, including:

(i) certifying all accounts against the school division passed by the board of education for payment;

(ii) countersigning all cheques issued on behalf of the board of education, other than cheques on which signatures are imprinted;

(iii) executing agreements authorized by and on behalf of the board of education; and

(b) any of the duties and powers conferred or imposed by this Act on the board of education, other than the power to:

(i) borrow money; or

(ii) pass a bylaw.

(3) The conseil scolaire may delegate to any committee appointed by it pursuant to subsection (1):

(a) the inquiry into or consideration, management or regulation of any administrative matters that the conseil scolaire considers appropriate, including:

(i) certifying all accounts against the conseil scolaire passed by the conseil scolaire for payment;

(ii) countersigning all cheques issued on behalf of the conseil scolaire, other than cheques on which signatures are imprinted;

(iii) executing agreements authorized by and on behalf of the conseil scolaire; and

(b) any of the duties and powers conferred or imposed by this Act on the conseil scolaire, other than the power to:

(i) borrow money; or

(ii) pass a bylaw.

(4) Subject to subsection (6), where a board of education or the conseil scolaire has delegated any matter to a committee appointed pursuant to subsection (1), the committee, in the same manner and to the same extent as the board of education or the conseil scolaire:

(a) may exercise the powers that are conferred by this Act on the board of education or the conseil scolaire that delegated the matter; and

(b) shall perform the duties that are imposed by this Act on the board of education or the conseil scolaire that delegated the matter.

(5) The exercise of powers and the performance of duties by the committee pursuant to subsection (4) is deemed to be the exercise of powers and the performance of duties by the board of education or the conseil scolaire.

(6) Every committee appointed pursuant to subsection (1) shall give a report respecting its proceedings and decisions to the board of education or the conseil scolaire that appointed the committee in the time, in the manner and containing the information required by the board or the conseil scolaire.

(7) No report, order or decision of a committee appointed pursuant to subsection (1), other than a report, order or decision dealing with a matter described in subclauses (2)(a)(i) to (iii) respecting a board of education or subclauses (3)(a)(i) to (iii) respecting the conseil scolaire, comes into force until it is adopted by the board of education or the conseil scolaire that appointed the committee at a regular or special meeting of the board of education or the conseil scolaire.

(8) Every board of education that has passed a resolution pursuant to subsection (1) appointing a committee shall renew the resolution annually at its organizational meeting held pursuant to section 72.

(9) If the conseil scolaire has passed a resolution pursuant to subsection (1) appointing a committee, the conseil scolaire shall renew the resolution annually at its organizational meeting held pursuant to section 72.

1995, c.E-0.2, s.106; 1998, c.21, s.45; 1998,
c.21, s.127 and 128; 2009, c.13, s.18

Explanation

Repeal section 106 and move the requirements to the regulations.

63 Existing Provision

Staff of school division and conseil scolaire

107(1) Subject to subsection (3), every board of education and the conseil scolaire shall appoint a director who meets the qualifications prescribed by the regulations.

(2) Every board of education and the conseil scolaire shall appoint a person to perform the functions of chief financial officer for the board of education or the conseil scolaire, as the case may be.

(2.1) The person appointed pursuant to subsection (2) must meet the qualifications prescribed in the regulations.

(3) If a board of education, by reason of the small size or limited capacity of the school division, considers it impracticable to appoint a full-time director, subject to the regulations, the board of education may enter into an agreement with one or more other boards of education or the conseil scolaire to effect a joint appointment of a director.

(4) A board of education may appoint any other officials, assistants and support personnel that the board of education considers necessary for the proper and efficient administration of the school division.

(5) The conseil scolaire may appoint any other officials, assistants and support personnel that the conseil scolaire consider necessary for the proper and efficient administration of the division scolaire francophone or a francophone education area.

2005, c.11, s.9; 2009, c.13, s.19.

Explanation

Repeal section 107 and move the requirements to the regulations.

64 Existing Provision**Duties of director**

109(1) The powers and duties of a director shall be prescribed by the board of education or the conseil scolaire that appointed the director.

(2) In addition to any powers and duties prescribed pursuant to subsection (1), every director shall:

(a) prepare and transmit to the department any reports and returns that may from time to time be required by the minister;

(b) ensure that the schools of the board of education or the conseil scolaire are conducted in accordance with this Act, the regulations and the policies of the board of education or the conseil scolaire in all matters within its jurisdiction;

(c) exercise general supervision of the schools and the work of principals, teachers and other personnel employed by the board of education or the conseil scolaire;

(d) provide leadership with respect to educational policies and practices; and

(e) act as a liaison between the board of education or the conseil scolaire and the professional staff and the public with respect to the efficiency and advancement of education in the school division or the division scolaire francophone.

1995, c.E-0.2, s.109; 1998, c.21, s.48.

Explanation

Repeal section 109 and move the requirements to the regulations.

65 Existing Provision**Duties re production of documents**

110(1) Every board of education and the conseil scolaire shall:

(a) make available for inspection by any person, during regular office hours of the board of education or conseil scolaire, the minutes of the board of education or conseil scolaire after the minutes have been adopted by the board of education or conseil scolaire;

(b) subject to subsection (3) and within a reasonable period after a request by any person, furnish to that person copies of the whole or any part of any minutes made available pursuant to clause (a) at any rate that the board of education or conseil scolaire may fix;

(c) prepare and transmit to the minister, at the times and in the form that the minister may require, a statement approved by the board of education or conseil scolaire of the estimated revenues and expenditures of the board of education or conseil scolaire for the year; and

(d) make any other reports and statements required to be made by the board of education or conseil scolaire pursuant to this Act.

(2) The conseil scolaire shall deliver or transmit by mail to each conseil d'école a copy of the minutes of any meeting of the conseil scolaire not later than 10 days after the day on which those minutes were approved by the conseil scolaire.

(3) The maximum rate that a board of education or the conseil scolaire may fix for the purpose of clause (1)(b) is not to exceed the costs incurred by the board of education or conseil scolaire in furnishing the copies.

(4) If requested by a municipality, a board of education shall forward certified copies of the previous year's auditor's report and financial statement of the board of education to the council of the municipality in which there is land or property taxable for the purposes of the school division pursuant to this Act, or on account of which grants in lieu of taxes are paid by the Government of Saskatchewan or the Government of Canada.

2009, c.13, s.21; 2012, c.10, s.12.

Explanation

Repeal section 110 and move the requirements to the regulations.

66 Existing Provision**Duties of other employees**

116 Except where otherwise expressly set out by this Act, the duties and requirements of persons in positions authorized by the board of education or the conseil scolaire are to be those prescribed by the board of education or the conseil scolaire.

1995, c.E-0.2, s.116.

Explanation

Repeal section 116 and move the requirements to the regulations.

67 Existing Provision**Limitation of liability**

117(1) No director, principal or other person whose duties pursuant to this Act or the regulations or under the policies of a board of education or the conseil scolaire require him or her to appraise the work of teachers or other employees of the board of education or conseil scolaire and to make written reports on that work is personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done pursuant to or in the exercise or supposed exercise of any duties imposed or powers conferred by this Act or the regulations or by the policies of the board of education or the conseil scolaire.

(2) Her Majesty in right of Saskatchewan, the minister, any official or employee of Her Majesty, or any board of education or the conseil scolaire, or any member, director, official or employee of a board of education or the conseil scolaire is not liable for anything in good faith done or omitted to be done pursuant to or in the exercise or supposed exercise of any duties imposed or powers conferred by this Act, the regulations or the policies of a board of education, the conseil scolaire or the department relating to a home-based education program, an independent school or independent school teachers.

1998, c.21, s.52.

Explanation

Subsection 117(2) has been redrafted to apply only to boards of education and the conseil scolaire. This provision also continues to grant immunity for anything done in good faith relating to home-based education programs and independent schools.

68 Existing Provision

Composition, duties and powers of conseil d'école

134.2(1) Every conseil d'école is to consist of the following persons who are to be elected by minority language adults who are the parents of pupils of the francsaskois school:

- (a) the number of parents of pupils, as determined by the conseil scolaire pursuant to subsection 134.1(2);
- (b) a minority language adult who is resident in the attendance area.

(2) Members of the conseils d'écoles are to be elected in accordance with the procedures set out in the regulations and for a term prescribed in the regulations.

(2.1) Sections 128 and 129 apply, with any necessary modification, to members of a conseil d'école.

(3) A conseil d'école may invite the attendance of the following persons to all or any part of a meeting of the conseil d'école:

- (a) the principal;
- (b) a person representing the teaching staff to be selected by the teaching staff;
- (c) where the francsaskois school offers grades at the secondary level, a pupil representative elected by the pupils in those grades;
- (d) any other person that the conseil d'école may invite to attend or make a presentation or provide information.

(4) The chairperson of the conseil d'école must be the parent of a pupil.

(5) A conseil d'école shall:

- (a) inform the voters of the francsaskois school attendance area with respect to:
 - (i) the schedule of its meetings;
 - (ii) the procedures for making submissions and representations to the conseil d'école;

- (iii) the channels of communication; and
 - (iv) any other matters considered by the conseil d'école to be in the interests of education in the attendance area;
- (b) convene an annual general meeting of voters who reside in the fransaskois school attendance area before May 31 of each year for the purposes of:
- (i) reviewing the progress of education and educational services available to residents of the attendance area; and
 - (ii) discussing matters of interest and concern to the voters with respect to future development of educational services;
- (c) hold at least six meetings of the conseil d'école each year;
- (d) advise the conseil scolaire with respect to any matter considered by the conseil d'école to be in the interests of education in the fransaskois school or in the attendance area;
- (e) participate in activities pertaining to future planning and development of educational services in the attendance area or francophone education area;
- (f) make recommendations to the conseil scolaire with respect to improvement and maintenance of buildings, facilities and equipment used for school purposes in the fransaskois school;
- (g) subject to section 183, approve arrangements respecting religious instruction in the fransaskois school;
- (h) co-operate with the conseil scolaire, principals, teachers and other employees of the conseil scolaire in the care, management and supervision of school property;
- (i) promote school-community and parent-teacher communications;
- (j) operate using the French language, but may, where it is required in the circumstances, operate in another language;
- (k) subject to the stated policies of the conseil scolaire:
- (i) liaise with the teaching staff of the school or schools in any matter pertaining to the educational welfare of the pupils;

- (ii) undertake studies of the educational objectives and programs of the school or schools in relation to the aspirations of the community;
- (iii) participate in special projects, experiments and innovative practices sponsored by or approved by the conseil scolaire;
- (iv) exercise general oversight with respect to the operation of the fransaskois school;
- (v) make recommendations with respect to the selection and placement of teaching staff;
- (vi) administer, manage or supervise any matter, activity, function or responsibility with respect to the fransaskois school that may lawfully be delegated to it, subject to the approval of the conseil d'école, by the conseil scolaire.

(6) Without restricting the generality of clause (5)(k), those matters that a conseil d'école may administer, manage or supervise include the following:

- (a) maintenance of school facilities;
- (b) investigation of issues and disputes involving relationships of pupils, parents and teachers in the fransaskois school;
- (c) planning and execution of innovative projects;
- (d) administration of certain budgetary allocations, including those for school libraries, laboratories and building maintenance and of funds arising from gifts and donations held in trust for the benefit of the fransaskois school;
- (e) use of school facilities for community purposes;
- (f) school transportation services in the attendance area.

1998, c.21, s.57; 2005, c.11, s.15.

Explanation

Repeal subsection 134.2(2.1), sections 128 and 129 were previously repealed back in 2006, as a result the provision is no longer required.

Clause 134.2(3)(c) in the French version of the Act requires amendment to correct information.

69 Existing Provision**Procedure at meetings of conseil d'école**

134.3 Sections 75 to 80 and 130 to 132 apply, with any necessary modification, to meetings of a conseil d'école.

1998, c.21, s.57.

Explanation

Section 134.3 requires amendment to correct section references. Sections 75 to 79 are being repealed and moved to the regulations as they pertain to the governance and administration of school divisions.

Section 130 to 132 were previously repealed back in 2006 wherein section cross references require amendment.

70 Existing Provision**Establishment of school community councils**

140.1(1) Subject to subsections (2) to (4), every board of education shall establish a school community council for each school in its division.

(2) Two or more school community councils in the same school division may petition the board of education of their school division to recommend to the minister that those school community councils be amalgamated to form one school community council.

(3) If the minister receives a recommendation from a board of education to amalgamate school community councils, the minister may approve the amalgamation if, in the minister's opinion, it is in the best interests of education in Saskatchewan.

(3.1) An amalgamated school community council may petition its board of education to recommend to the minister that that school community council be separated and two or more school community councils be established.

(4) If the minister receives a recommendation from a board of education to separate an amalgamated school community council and establish two or more school community councils, the minister may approve the separation and establishment if, in the minister's opinion, it is in the best interests of education in Saskatchewan.

2006, c.18, s.18; 2006, c.38, s.5.

Explanation

Update subsection 140.1(2) to current drafting standards and repeal “its division” and replace with “the school division”.

71 Existing Provision**Reports and referrals concerning irregular attendance**

161(1) Where any pupil has been absent from school for more than four school days in any month, the principal shall immediately report the absence to the local attendance counsellor unless the principal is satisfied that the absence is unavoidable or is justified.

(2) Notwithstanding any other provision of this Act and regardless of the age, grade or year, or the distance from school of any pupil, the principal shall refer for investigation by the local attendance counsellor any case of habitual tardiness, avoidable irregular attendance and apparent neglect or disregard of the rules and bylaws of the board of education or the conseil scolaire and the school with respect to school attendance.

(3) Reports and referrals mentioned in subsections (1) and (2) are to be in writing and in the prescribed form.

(4) When a report or referral is received by the local attendance counsellor, he or she shall immediately proceed with an investigation according to procedures approved by the bylaws of the board of education or the conseil scolaire and shall report the findings of the investigation to the principal.

(5) When the principal receives the report of the local attendance counsellor, the principal shall consider, in consultation with the local attendance counsellor and any teachers, officers or consultants employed by the board or education or the conseil scolaire, what further action, if any, is to be taken.

(6) Subject to subsection (7) and the approval of the director, the local attendance counsellor shall proceed with any consultations, investigations or actions that the local attendance counsellor considers necessary and expedient in the circumstances.

(7) The parent or guardian of the pupil and the pupil concerned shall be informed, consulted and given reasonable opportunity to make representations on behalf of the pupil.

Explanation

Update subsection 161(2) to current drafting standards and repeal the term “year” as the term is redundant.

72 Existing Provision**Organization of classes for instruction**

168(1) Every school shall be organized to provide any or all of the following instructional components that may be determined by the board of education or the conseil scolaire:

(a) kindergarten, which is to provide instruction and training to pupils of any age that they become eligible within one year to be enrolled in grade 1 in a school in the school division or the division scolaire francophone;

(b) the Elementary Level, which is to provide a five-year program of instruction following completion of the kindergarten year;

(c) the Middle Level, which is to provide a four-year program of instruction to follow completion of the Elementary Level;

(d) the Secondary Level, which is to provide a three-year program of instruction to follow completion of the Middle Level.

(2) Notwithstanding subsection (1), the rate of progress of any pupil or of any group of pupils in completing the work of any Level may, in the discretion of the teacher but subject to the policies of the school, be accelerated or decelerated.

(3) Pursuant to subsection (2), the content of any of the courses of study taken by a pupil or a group of pupils may be altered, augmented or otherwise adjusted in any manner that the teacher considers advisable in the interests of the pupil or pupils.

1995, c.E-0.2, s.168; 1998, c.21, s.73.

Explanation

Subsection 168(3) of the Fresh version of the Act requires repeal of the term “du programme d’études” and replacement with “des cours scolaires”.

73 Existing Provision**Classification of pupils**

169(1) Pupils are to be classified according to the grade of the Level in which they are enrolled so that:

- (a) those enrolled in the Elementary Level are to be classified as engaged in studies of grade 1, 2, 3, 4 or 5 of that Level;
- (b) those enrolled in the Middle Level are to be classified as engaged in studies of grade 6, 7, 8 or 9 of that Level; and
- (c) those enrolled in the Secondary Level are to be classified as engaged in studies of grade 10, 11 or 12 of that Level.

(2) Notwithstanding subsection (1), the director may authorize any variations in the classification of pupils as the director considers necessary in the circumstances of one or more of the schools in the director's jurisdiction.

1995, c.E-0.2, s.169.

Explanation

Subsection 169(1) requires a correction to the French version of the Act which was identified by the French translator.

74 Existing Provision**Instruction limit**

170(1) A board of education or the conseil scolaire may limit instruction to one or two grades in a Level where it is impracticable or prejudicial to the well-being of the pupils in any school to provide instruction in all grades in that Level because of:

- (a) the size and composition of the enrolment;
- (b) the availability of classroom and instructional facilities; or
- (c) any other special necessity or unusual circumstance.

(2) Where a board of education or the conseil scolaire limits instruction pursuant to subsection (1), the board or the conseil scolaire, as the case may be, shall make provision for the pupils affected to complete the work of that Level in another school within the jurisdiction of the board or the conseil scolaire, or elsewhere.

1995, c.E-0.2, s.170; 1998, c.21, s.74.

Explanation

Subsection 170(1) requires a correction to the French version of the Act which was identified by the French translator.

75 Existing Provision

Courses of study

176(1) Subject to subsection (2) or (3), the program of studies and the courses of study used in a school are to be consistent with the regulations and with any directives that the minister may issue.

(2) With the approval of the minister, a board of education may authorize the implementation of a course of study that has been developed within the school division for use in any of the schools in the school division, and that course may be recognized for credit purposes in accordance with the regulations.

(3) With the approval of the minister, the conseil scolaire may authorize the implementation of a course of study that has been developed within the division scolaire francophone for use in any of the fransaskois schools in the division scolaire francophone, and that course may be recognized for credit purposes in accordance with the regulations.

1995, c.E-0.2, s.176; 1998, c.21, s.75; 2006, c.18, s.19.

Explanation

The heading preceding section 176 of the French version of the Act is repealed and “PROGRAMME D’ÉDUCATION” substituted.

Update terminology in section 176 of the French version of the Act as it relates to “cours scolaire” (course of study), “cours” (course), “pour crédits” (for credit purposes), and repeal “programme” (program) and replace with “cours” (course).

76 Existing Provision**Language of instruction**

180(1) Subject to subsections (2) to (4), English is to be the language of instruction in schools.

(2) Subject to the regulations, a language other than English is to be used as a language of instruction in specified schools in its jurisdiction where a board of education passes a resolution to that effect.

(3) Subject to any conditions that may be prescribed in the regulations, the Lieutenant Governor in Council shall designate schools in which French is the principal language of instruction in a designated program.

(4) French is the language of instruction in francophone schools and in minority language instruction programs.

(5) Notwithstanding clause 85(1)(g), a pupil is entitled, at the request of the pupil's parent or guardian, to attend a designated school mentioned in subsection (3) and to receive instruction in a designated program appropriate to the pupil's grade.

(6) Where a language other than English is used as a language of instruction pursuant to subsection (2) or (3), a pupil whose parent or guardian has requested in writing that the pupil not be required to receive instruction in that language is not required to receive that instruction.

(7) A pupil to whom subsection (6) applies shall be provided with suitable alternative studies appropriate to the instructional program of that pupil's grade.

1995, c.E-0.2, s.180.

Explanation

Amendments to Section 180(3) will remove the requirement for the Lieutenant Governor in Council to approve designated schools and to allow the Minister of Education to approve. Repeal section cross references identified in subsection (5) as section 85 is being moved to the regulations. Subsection (7) of the French version of the Act is being amended to repeal the term "d'enseignement"(Education).

77 Existing Provision**Religious instruction**

182(1) Religious instruction, as authorized by the board of education of a school division with respect to any of the schools in its jurisdiction, may be given in that school division for a period not exceeding two and one-half hours per week.

(2) Where the board of education passes a resolution pursuant to subsection 180(2), the religious instruction mentioned in subsection (1) may be given in a language other than English.

(3) Subject to subsection (4), the board of education may direct that the exercises preceding the regular daily program of instruction of the school be opened by the reading or reciting, without comment or explanation, of the Lord's Prayer or a passage selected from Bible readings that have been prescribed for the purpose by the minister.

(4) Where a parent or the guardian of a pupil so requests, the pupil is to be excused from participating in the opening exercises described in subsection (3).

(5) Where a pupil does not wish to participate in courses of religious instruction authorized pursuant to subsection (1), the pupil:

(a) with the written consent of the pupil's parent or guardian, is exempt from attendance at those courses of religious instruction;

(b) shall be provided with suitable alternative studies appropriate to the instructional program of his or her grade.

1995, c.E-0.2, s.182; 2006, c.18, s.21.

Explanation

Clause 182(5)(b) of the French version of the Act is amended by repealing the term "activities" and substituting the term "activités".

78 Existing Provision**Religious instruction in francophone schools**

183(1) Religious instruction, as authorized by the conseil d'école, may be given for a period not exceeding two and one-half hours per week.

(2) Subject to subsection (3), the conseil scolaire may direct that the exercises preceding the regular daily program of instruction of the school be opened by the reading or reciting, without comment or explanation, of the Lord's Prayer or a passage selected from Bible readings that have been prescribed for the purpose by the minister.

(3) Where a parent or the guardian of a pupil so requests, the pupil is to be excused from participating in the opening exercises described in subsection (2).

(4) Where a pupil does not wish to participate in courses of religious instruction authorized pursuant to subsection (1), the pupil:

(a) with the written consent of his or her parent or guardian, is exempt from attendance at those courses of religious instruction; and

(b) shall be provided with suitable alternative studies appropriate to the instructional program of the pupil's grade.

1995, c.E-0.2, s.183; 1998, c.21, s.77.

Explanation

Clause 183(4)(b) of the French version of the Act is amended by repealing the term "activities" and substituting the term "activités".

79 Existing Provision

Health of pupils

190(1) Subject to subsection (3), a board of education or the conseil scolaire, or any combination of two or more of them jointly on any terms that are mutually agreed on, may provide for medical and dental examination and treatment of pupils and of children under the age of seven years in the school division or division scolaire francophone.

(2) Subject to the regulations, and for the purposes of subsection (1), a board of education or the conseil scolaire may employ any personnel that may be determined to be necessary by the board of education or the conseil scolaire.

(3) No treatment mentioned in subsection (1) shall be given without the consent of the parent or guardian of the pupil or child.

(4) Notwithstanding subsections (1) and (3), a board of education or the conseil scolaire may:

(a) enter into arrangements directly with the Department of Health or any agency of that department for the provision of any of the services mentioned in this section; or

(b) participate in health service programs for schools that are conducted or co-ordinated co-operatively by the department and the Department of Health.

(5) Every school shall observe all laws and any regulations with respect to the maintenance of standards concerning sanitation, lighting and communicable diseases.

(6) A school may make provision for safety patrols for the protection of pupils in the vicinity of the schools.

(7) No action lies or shall be instituted against a board of education, trustee, officer, agent of a board of education, pupil, parent or volunteer involved with a safety patrol established pursuant to the authority of this Act or the regulations, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations respecting safety patrols or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations respecting safety patrols.

(8) No action lies or shall be instituted against the conseil scolaire, trustee, officer, agent of the conseil scolaire, pupil, parent or volunteer involved with a safety patrol established pursuant to the authority of this Act or the regulations, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations respecting safety patrols or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations respecting safety patrols.

1995, c.E-0.2, s.190; 1998, c.21, s.81.

Explanation

Clauses 190(4)(a)(b) requires amendment to repeal the term “department” and to replace the term with “ministry”.

80 Existing Provision**Liaison with social agencies**

192 A board of education or a conseil scolaire may enter into arrangements with other departments of the Government of Saskatchewan and its agencies and with agencies and individuals in the community that provide specialized services related to the health and welfare of pupils, for the purpose of maximum rationalization and co-ordination of those services and for the enhancement of the benefits of those services to the pupils.

1995, c.E-0.2, s.192.

Explanation

Section 192 requires amendment to repeal the term “department” and to replace the term with “ministry”.

81 Existing Provision**Board to provide transportation to certain pupils**

194(1) Transportation services provided to pupils pursuant to clause 85(1)(k) and the bylaws of the board of education shall be provided at the cost of the school division.

(2) Transportation services provided to pupils pursuant to clause 86(1)(k) and the bylaws of the conseil scolaire shall be provided at the cost of the conseil scolaire.

(3) Notwithstanding subsections (1) and (2), a board of education or the conseil scolaire may make payments to the parent or guardian of a pupil in lieu of transportation.

(4) Where applicable, payments made pursuant to subsection (1) or (2) may include allowances for board and room where a pupil must reside away from home to attend school.

1995, c.E-0.2, s.194; 1998, c.21, s.82.

Explanation

Sections 194(1)(2) have been updated to reflect current drafting standards. The cross section reference to section 85 has been removed as this section is being moved to the regulations.

82 Existing Provision

Contracts prohibited pending investigation

229(1) Where a notice of termination is given pursuant to section 210, the board of education or the conseil scolaire shall not enter into a contract of employment with a teacher, with respect to the position held by the teacher to whom the notice of termination has been given, until the expiry of the time allowed for an application pursuant to section 216, or, where an application is made, until it is disposed of.

(1.1) Where a board of education or the conseil scolaire suspends a teacher, the board of education or the conseil scolaire shall not enter into a contract of employment with another teacher, with respect to the position held by the teacher who was suspended, until the time allowed for an application pursuant to section 217.1 has expired or, where an application is made, until the application is disposed of.

(2) Where an application pursuant to section 216 or 217.1 is made, the board of education or the conseil scolaire may, in its discretion, employ a substitute teacher pending disposition of the application.

(3) Where a notice of termination is given pursuant to clause 211(b), the teacher shall not enter into a contract of employment with any board of education or the conseil scolaire until the expiry of the time allowed for an appeal by the board of education or the conseil scolaire or, where an appeal is made, until the appeal is disposed of.

(4) Where an application for an appeal is given by a teacher mentioned in section 215, the board of education or the conseil scolaire shall not enter into a contract with another teacher with respect to the position mentioned in the notice of intention until the appeal is disposed of.

1995, c.E-0.2, s.229; 1998, c.21, s.93; 2001, c.13, s.7

Explanation

Subsection 229(3) is amended by repealing “clause 211(b)” and replacing the reference with “clause 211(1)(b)” for accuracy.

83 Existing Provision**Process for settlement of disputes to be specified**

239(1) Not later than 101 days prior to the day on which a collective bargaining agreement negotiated pursuant to this Act expires, the federation, with respect to a provincial agreement, or each bargaining committee appointed pursuant to subsection 235(2) or 236(2), with respect to a local agreement, shall, provide a written notice specifying that the process for the resolution of a dispute is to be:

(a) the process set out in sections 243 to 250; or

(b) the process set out in sections 251 to 260.

(2) The notice mentioned in subsection (1) shall be delivered:

(a) in the case of a provincial agreement, to the association and to the minister;

(b) in the case of a local agreement negotiated by the parties mentioned in section 235, to the board of education employing the teachers represented by the bargaining committee;

(c) in the case of a local agreement negotiated by the parties mentioned in section 236, to the conseil scolaire.

(3) A copy of the notice mentioned in subsection (1) shall be filed with the chief executive officer of the Educational Relations Board.

(4) The process for resolution of a dispute specified in a notice pursuant to subsection (1) shall be the process applicable for the resolution of all disputes from the day on which the notice is given until a subsequent notice is given pursuant to subsection (1).

1995, c.E-0.2, s.239; 1998, c.21, s.98.

Explanation

Section 239(1)(a) of the Act is being amended to require both parties to agree to binding arbitration rather than just one to ensure an effective resolution process.

84 Existing Provision

Estimates of annual revenue and expenditures

278(1) Not later than the day specified by the minister in each fiscal year, every board of education and the conseil scolaire shall prepare and submit to the minister for the minister's approval:

- (a) a written statement of program objectives of the school division or the conseil scolaire for the next fiscal year; and
- (b) estimates of revenues and expenditures required for the purposes of the school division or the conseil scolaire for the next fiscal year.

(2) The written statement mentioned in subsection (1) that is prepared by a board of education or the conseil scolaire must include:

- (a) a supplementary statement referring to policies and programs of the board of education or the conseil scolaire; and
- (b) any statistical data with respect to school enrolment and personnel requirements that the minister may require for the next fiscal year.

(2.1) The estimates of revenues and expenditures mentioned in subsection (1) must:

- (a) be in any form that the minister may direct; and
- (b) in the case of a board of education, include the taxable assessment of the school division for the next fiscal year.

(3) Without restricting the generality of subsections (2) and (2.1), the statement and the estimates of revenue and expenditures mentioned in subsection (1) must include expenditures required for:

- (a) administrative services;
- (b) instruction;
- (c) plant operation and maintenance;
- (d) equipment and supplies;
- (e) transportation of pupils;

(f) debt retirement;

(g) fees and payments to other boards of education, the conseil scolaire, institutions and persons on account of services rendered to the board of education on behalf of pupils in its jurisdiction;

(h) allowances to parents or pupils for transportation or living expenses in special cases; and

(i) contributions to capital requirements from current revenue.

(4) **Repealed.** 2009, c.15, s.6.

(5) **Repealed.** 2009, c.15, s.6.

1995, c.E-0.2, s.278; 1998, c.21, s.103 and 127;
2009, c.15, s.6.

Explanation

Repeal section 278 and move the requirements to the regulations.

85 Existing Provision

Estimates of capital expenditures

279(1) Every board of education and the conseil scolaire shall prepare and maintain a three-year forecast of expenditures anticipated for new school buildings, major renovation of existing buildings and other major capital expenditures on account of which borrowing of funds may be necessary.

(2) The forecasts mentioned in subsection (1) are to be subject to annual review by the board of education or the conseil scolaire for the purposes of:

(a) updating; and

(b) determining requirements and action to be taken with respect to the fiscal year in which the expenditures will be incurred.

(3) Every board of education and the conseil scolaire shall provide the minister with a copy of every forecast mentioned in subsection (1) and a report of every review conducted pursuant to subsection (2) at any times and accompanied by any information that the minister may direct.

1995, c.E-0.2, s.279; 1998, c.21, s.104; 2009, c.15, s.7.

Explanation

Repeal section 279 and move the requirements to the regulations.

86 Existing Provision**Review, consultation and approval**

280(1) The minister shall review the estimates of revenues and expenditures submitted pursuant to section 278.

(2) Unless the minister agrees otherwise, a board of education or the conseil scolaire shall not incur any expenditures for a fiscal year until the estimates of revenues and expenditures for that fiscal year have been approved by the minister.

(3) For the purposes of subsection (2), the minister may:

(a) approve the estimates of revenues and expenditures mentioned in subsection (1); or

(b) issue a directive to the board of education or the conseil scolaire that submitted the estimates of revenues and expenditures requiring that board of education or the conseil scolaire to make any changes that the minister considers appropriate or in the public interest.

(4) If a directive is issued to a board of education or the conseil scolaire pursuant to clause (3)(b), the board of education or the conseil scolaire shall comply with the directive within the period specified in the directive.

2009, c.15, s.8.

Explanation

Subsection 280(1) is being amended to avoid the cross-reference to section 278, as this section is being repealed and moved to the regulations.

Currently, clause 280(3)(b) identifies that the minister may issue a directive to the board of education or the conseil scolaire concerning their revenues and expenditures. A new subsection has been added to clarify that this approval does not limit the Minister's authority pertaining to the terms or conditions that may be placed on other items such as grants.

87 Existing Provision**Final estimates**

281 Not later than the date specified by the minister in each fiscal year, every board of education and the conseil scolaire shall, by resolution, adopt a final statement for the next fiscal year setting forth in as much detail as is practicable:

(a) the items and amounts of expenditures for the next fiscal year based on the estimates that are approved by the minister pursuant to section 280; and

(b) estimates of revenue from taxes, grants, fees and receipts from other sources that are anticipated for the next fiscal year.

2009, c.15, s.8.

Explanation

Repeal section 281 and move the requirements to the regulations.

88 Existing Provision**Reports to minister**

282 A board of education or the conseil scolaire shall furnish to the minister copies of budget estimates, financial statements and other information in any form and at any times that the minister may consider necessary.

1998, c.21, s.106.

Explanation

Section 282 has updated the language used to meet current drafting standards. The term “furnished” has been repealed and been replaced with “prepare and submit”. Additionally, the required correspondence has been updated to include “reports”. Further, as a number of the provisions throughout the Act are to be repealed and moved to the regulations, the section had been updated to include that the requirements are pursuant to both the Act and regulations.

89 Existing Provision**Limits on expenditures**

282.1 After the coming into force of this section, without the approval of the minister, a board of education and the conseil scolaire shall not incur expenditures in an amount greater than the amount that was:

- (a) in the case of the fiscal year ending on August 31, 2009, adopted by the board of education or the conseil scolaire in its final statement pursuant to section 281, as that section read before the coming into force of this section; or
- (b) in the case of any fiscal year commencing on or after September 1, 2009, approved by the minister pursuant to section 280.

2009, c.15, s.9.

Explanation

Currently, divisions are only approved to spend up to the amount of funding that is known on budget day. Any extra funding announced and/or funding adjustments made after budget day are not included in the school divisions' original budgets.

In order to be able to spend more money than was originally budgeted for, a school division likely either needs to receive extra funding from the minister or have approval from the minister to borrow money. Therefore, creating a separate process to have the minister approve that a school division spend more than originally budgeted is redundant and section 282.1 should be repealed.

90 Existing Provision

None.

Explanation

A new separate section has been added to the Act pertaining to audit requirements identified in 283.1. Subsections (1) to (3) are a reiteration of the existing clauses 85(1)(s) and 86(s) of the Act. This section is intended to provide school divisions and the conseil scolaire clarity pertaining to their requirements concerning the appointment of an auditor and the provision of records.

91 Existing Provision

None.

Explanation

A new separate section has been added to the Act pertaining to the Provincial Auditor identified in 283.2. This provision has been added to provide clarification to school divisions and the conseil scolaire pertaining to the authority of the Provincial Auditor of Saskatchewan.

92 Existing Provision**Operating grants to boards of education**

310(1) Subject to subsection (2), the regulations and any directive of the minister, the minister shall pay to each board of education an operating grant for the period commencing on April 1 in one year and ending on March 31 of the following year.

(2) The minister may deduct from any annual operating grant payable to a board of education the amount of the fees for membership in an association recognized and approved for the purposes of clause 87(1)(u) unless:

(a) on or before December 1 in any year, the board of education requests the minister, in writing, not to make the deduction; and

(b) the minister approves the request mentioned in clause (a).

2012, c.10, s.22.

Explanation

Amend subsection 310(1) to update the section reference.

Subsection 310(2) is being repealed as the ministry is no longer deducting operating grants for the Saskatchewan School Boards Association (SSBA). Currently, school divisions pay the SSBA directly for any fees.

93 Existing Provision**Information required re grants**

312(1) For the proper administration of sections 310 and 311, the minister may require, in the form and at the times that the minister may direct:

(a) any returns, statements, reports and information that the minister considers necessary from each school division; and

(b) a certified statement setting forth information with respect to the taxable assessment of a school division from any municipality within which the whole or any part of that school division is situated.

(2) The minister may apply any capital or operating grant due to a school division in repayment of any indebtedness of the school division to the ministry or to the Minister of Finance.

(3) All grants provided for by this Act that may be paid to a board of education are payable subject to the condition that the school division and the schools in it are organized, operated and maintained in accordance with this Act, the regulations and every minister's directive that relates to the grant.

2009, c.15, s.17.

Explanation

Subsection 312(3) has been added to clarify that all grants must be used for their intended purpose and the terms and conditions identified.

94 Existing Provision**Operating grants to conseil scolaire**

313(1) Subject to subsections (2) and (3), section 315, and any terms and conditions that may be prescribed in the regulations, the conseil scolaire is entitled to an operating grant for the period from April 1 in one year to March 31 in the following year in an amount equal to the amount by which the recognized local expenditure of the conseil scolaire exceeds its recognized local revenue.

(2) The minister shall determine the recognized local expenditure for the conseil scolaire and, in so doing, shall take into consideration the number of pupils enrolled in the fransaskois schools in the division scolaire francophone.

(3) Where applicable, the minister shall include sums for:

- (a) administration;
- (b) instruction;
- (c) plant operation and maintenance;
- (d) transportation of pupils;
- (e) any other recognized expenditures, including fees and other payments made on behalf of pupils attending schools or institutions outside the division scolaire francophone or otherwise outside the jurisdiction of the conseil scolaire; and
- (f) previous expenditures that were approved by the minister but that were not taken into account in grant calculations.

(4) The minister shall calculate the recognized local revenue for the conseil scolaire consisting of:

- (a) any revenues from fees and other sources that may be recognized by the minister; and
- (b) recognized revenues that were previously received but that were not taken into account in grant calculations.

(5) The minister may deduct from any annual operating grant payable to the conseil scolaire the amount of the fees for membership in an association recognized and approved for the purposes of clause 88(1)(r) unless the conseil scolaire, on or before December 1 in any year, requests the minister, in writing, not to make the deduction.

(6) The minister may prescribe the minimum or maximum amount of any grant to be paid pursuant to this section.

1995, c.E-0.2, s.313; 1998, c.21, s.108;
1999, c.16, s.13; 2002, c.29, s.5.

Explanation

Subsection 313(1) has been amended to update the section cross references and drafting standards.

Subsection 313(5) has been repealed. Currently, school divisions pay the Saskatchewan School Boards Association directly for any fees required.

95 Existing Provision**Information required re conseil scolaire grants**

315(1) For the proper administration of sections 313 and 314, the minister may require from the conseil scolaire, in the form and at the times that the minister may direct, any returns, statements, reports and information that the minister considers necessary.

(2) **Repealed.** 2013, c.9, s.29.

(3) The minister may apply any capital or operating grant due to the conseil scolaire in repayment of any indebtedness of the conseil scolaire to the department or to the Department of Finance.

(4) All grants provided for by this Act or the regulations that may be paid to the conseil scolaire are payable subject to the condition that the conseil scolaire and the francophone schools in the division scolaire francophone are organized, operated and maintained in accordance with this Act and the regulations.

1995, c.E-0.2, s.315; 1998, c.21, s.110; 2012,
c.10, s.23; 2013, c.9, s.29.

Explanation

Subsection 315(3) is amended by repealing term “department” and replacing it with the term “ministry”.

Subsection 315(4) has been redrafted to mirror the existing language used in subsection 312(3) for consistency. This subsection has also been amended to clarify that all grants must be used for their intended purpose and the terms and conditions identified.

96 Existing Provision**Loans to conseil scolaire for current expenditures**

320(1) The conseil scolaire may, by resolution, authorize its president and its chief financial officer to borrow:

- (a) any sum of money that may be required for necessary expenditures of the conseil scolaire pending the receipt of monies other than those described in clause (b); and

(b) any sum of money that the conseil scolaire considers necessary to provide for its current expenditures on the security of operating grants payable to the conseil scolaire pursuant to section 313, where borrowing pursuant to clause (a) is insufficient to do so.

(2) A loan made pursuant to clause (1)(a) must be paid out of and be a first charge on the revenues for the fiscal year in which the loan is made.

(3) A loan made pursuant to clause (1)(a) may be secured by the promissory note or notes of the président and the chief financial officer given on behalf of the conseil scolaire.

(4) Where the conseil scolaire borrows pursuant to clause (1)(b), the conseil scolaire, if requested to do so by the person making the loan, shall immediately notify the Minister of Finance and the department of the fact, giving particulars of the loan.

(5) The notification mentioned in subsection (4) is the authority to the Minister of Finance to repay the loan out of any operating grant that may become payable to the conseil scolaire pursuant to section 313.

(6) Where the loan mentioned in subsection (4) is repaid out of the ordinary funds of the conseil scolaire, the conseil scolaire shall immediately file with the Minister of Finance and the department a statement from the person from whom the money was borrowed certifying the repayment of the loan.

(7) The statement mentioned in subsection (6) is sufficient to cancel the authority of the Minister of Finance to repay the loan out of any operating grants payable pursuant to section 313.

1995, c.E-0.2, s.320; 1998, c.21, s.112
and 127; 2009, c.13, s.36.

Explanation

Section 320 be repealed as this section applies only to the conseil scolaire. Section 319 of the Act was previously amended to identify that requirements apply to both boards of education and the conseil scolaire concerning loans for operating costs.

97 Existing Provision**Minister may guarantee certain loans**

322(1) In accordance with any terms and conditions that may be prescribed in the regulations, and subject to section 46 of *The Financial Administration Act, 1993*, the minister may guarantee a loan obtained by a conseil scolaire for capital expenditures.

(2) The minister shall not guarantee a loan pursuant to subsection (1) unless the promissory note or other form of security given by the conseil scolaire to the lender with respect to that loan:

(a) states that:

(i) the principal is repayable in equal instalments annually or more frequently over the term of the borrowing; and

(ii) the interest is payable annually or semi-annually on the balance remaining unpaid; or

(b) states that:

(i) the principal and interest are to be paid in equal instalments, annually or more frequently; and

(ii) the repayment of the principal is amortized in full over the term of repayment.

1995, c.E-0.2, s.322.

Explanation

Section 322 be repealed as this section only applies to the conseil scolaire. Sections 319-328 now apply to both school divisions and the conseil scolaire concerning borrowing.

98 Existing Provision**Mortgages for housing**

329(1) Notwithstanding sections 322 to 327 but subject to subsection (2), a board of education or the conseil scolaire may, for the purpose of providing housing for teachers and other persons employed by it, obtain loans by way of mortgages in that housing pursuant to the *National Housing Act (Canada)*.

(2) A board of education or the conseil scolaire may act pursuant to subsection (1) only if it has obtained the consent of the minister to do so.

2009, c.15, s.20; 2012, c.10, s.32.

Explanation

Amend section 329(1) to remove the “notwithstanding” phrase as previous amendments to the Act removed this requirement.

99 Existing Provision

Acquisition of property

344(1) A board of education may, subject to clause 85(1)(d) and the regulations, and the conseil scolaire may, subject to clause 86(d) and the regulations, provide and maintain adequate real and personal property for its administrative and educational purposes and may do all or any of the following:

- (a) acquire and hold real and personal property or any interest in it;
- (b) acquire additional land to add to land owned by it and acquire land for school buildings, whether the land is in or outside the school division, in the case of a board of education, or in or outside the division scolaire francophone, in the case of the conseil scolaire;
- (c) acquire land or any rights in, on, over and under it, if necessary extending beyond the boundaries of school sites, for sewage, water, gas, electric power or other services;
- (d) enter into contracts granting or acquiring an option to purchase or sell real or personal property;
- (e) acquire, build, furnish and rent residences and dormitories;
- (f) acquire, build, furnish and rent offices and other ancillary accommodation for itself and its employees for any purpose related to the provision of administrative and support services pertaining to the educational programs of the board of education or the conseil scolaire.

(2) Subject to the other provisions of this Act and to the approval of the minister, any board of education or the conseil scolaire may enter into an agreement with one or more boards of education, the conseil scolaire, persons or municipalities for the joint construction, ownership, lease, maintenance, operation or use of a public work or building.

(3) Subject to the other provisions of this Act and to the approval of the minister, any board of education or the conseil scolaire may authorize expenditures out of the funds of the school division or conseil scolaire, as the case may be, that are required for any agreement entered into pursuant to subsection (2).

(4) A board of education or the conseil scolaire shall obtain the approval of the minister before making a capital expenditure exceeding the amount prescribed in the regulations to:

- (a) purchase, lease or otherwise acquire an interest in real or personal property;
or
- (b) construct, renovate or alter a facility.

(5) A board of education or the conseil scolaire shall call for tenders before making a capital expenditure exceeding the amount prescribed in the regulations for:

- (a) the purchase, lease or other acquisition of an interest in real or personal property;
- (b) the construction, renovation or alteration of a facility;
- (c) the purchase of building materials; or
- (d) other capital works authorized pursuant to this Act.

1995, c.E-0.2, s.344; 1998, c.21, s.117;
2012, c.10, s.37.

Explanation

In subsection 344(1) repeal cross section references which relate to sections 85 and 86 as these sections are being moved to the regulations.

100 Existing Provision**Transportation services**

354 A board of education for the purposes mentioned in clause 85(1)(k), or the conseil scolaire for the purposes mentioned in clause 86(k), may:

- (a) acquire, by purchase or lease out of the funds of the board of education or conseil scolaire, as the case may be, any vehicles that it considers necessary and expedient to provide transportation services; or
- (b) subject to section 355, enter into a contract for the provision of transportation services.

2012, c.10, s.43.

Explanation

In subsection 354 repeal cross section references and information which relates to sections 85 and 86 as these sections are being moved to the regulations.

101 Existing Provision**Rights of minorities**

357(1) Nothing in this Act affects any right conferred by *The School Act* on any minority of electors in any district established pursuant to that Act, whether Protestant or Roman Catholic.

(2) No alteration of boundaries of a school division is to be made unless it can be satisfactorily shown that the rights provided to any class of persons pursuant to section 17 of *The Saskatchewan Act* will not be prejudiced by the alteration.

1995, c.E-0.2, s.357.

Explanation

Amend subsection 357(1) by repealing “district” and replacing with “school district” for clarity.

102 Existing Provision

None.

Explanation

New section 369.1 has been added to include a standard general immunity provision respecting the Minister, the Government of Saskatchewan, and government employees and agents.

103 Existing Provision**Regulations**

370(1) The Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) excluding any program that is offered either in Saskatchewan or outside of Saskatchewan from the definition of French immersion program;
- (c) prescribing and requiring the use of forms for the purposes of this Act or the regulations;
 - (c.01) for the purposes of the Education Scholarship Fund continued pursuant to section 4.1:
 - (i) respecting the payment of scholarships from the fund, including the number of scholarships that the minister may make from the fund each year and the amount of the scholarships;
 - (ii) respecting the administrative expenses that may be deducted from the fund;
 - (c.1) prescribing any electronic means that may be used for holding meetings pursuant to section 80.1 and the procedures to be followed
 - (c.2) respecting election procedures and terms for conseils d'écoles;
- (d) prescribing any matter required or authorized by this Act to be prescribed by regulation;

- (d.1) respecting the holding of votes for the purposes of subsection 40(3.1);
- (d.2) establishing the criteria or circumstances pursuant to which the minister may approve a request from a board of education for the purposes of subsection 40(9);
- (e) respecting the classification, organization, administration and supervision of all schools pursuant to this Act;
- (f) respecting the registration of independent schools, including prescribing the criteria to be met by independent schools to entitle them to be registered as registered independent schools;
- (g) classifying registered independent schools;
- (h) governing the administration and operation of registered independent schools or any class or classes of them, including requiring registered independent schools or any class or classes of them to submit reports respecting the operation of the schools to the minister and prescribing the times within which the reports shall be submitted and the manner of their submission;
- (i) providing for the suspension or deregistration of registered independent schools or any class or classes of them, including prescribing the grounds for which a registered independent school or any class or classes of them may be suspended or deregistered, and prescribing the procedure for:
 - (i) suspending or deregistering registered independent schools or any class or classes of them; or
 - (ii) reinstating the registration of independent schools, the registrations of which have been suspended or deregistered pursuant to subclause (i);
- (j) respecting the registration, suspension or deregistration of home-based education programs;
- (k) providing for and governing the monitoring of registered home-based education programs;
- (l) providing for and governing the maintenance, and the provision to the department and others, of records, reports and information relating to registered home-based education programs;

- (m) respecting the duties and powers of boards of education and the conseil scolaire with respect to the registration, administration and monitoring of home-based education programs;
- (n) governing the operation of registered home-based education programs;
- (o) respecting the classification of pupils and educational programs pertaining to the programs of studies from kindergarten to Grade 12;
- (o.1) providing for and governing the funding and operation of prekindergarten programs by boards of education and the conseil scolaire;
- (p) respecting achievement standards and procedures for evaluation of learning and progress of pupils;
- (p.1) respecting assessments pursuant to section 178 for determining those pupils who are pupils with intensive needs;
- (p.2) respecting any criteria the minister must consider when establishing a guideline for the purposes of section 178;
- (p.3) prescribing requirements for entering into agreements pursuant to section 178;
- (p.4) respecting the cost, or portion of the cost, of maintenance, tuition and transportation for, and support of, a pupil with intensive needs that the board of education or conseil scolaire is responsible for paying;
- (p.5) respecting the provision of educational services to pupils with intensive needs;
- (p.6) respecting the conduct of reviews pursuant to section 178.1;
- (p.7) for the purposes of section 271:
 - (i) governing the appointment or election of the members of the Teacher Classification Board; and
 - (ii) respecting the manner in which the affairs of the board are to be conducted;

- (u) respecting school transportation services and the maintenance of accurate records of the number of persons served, the distance travelled, the cost of transportation services and any other related information required by the minister;
- (v) prescribing the terms and conditions under which textbooks, library books, reference books and other learning resources are furnished without cost to pupils;
- (w) governing the appointment, qualifications and general duties of directors and of other persons employed by boards of education or the conseil scolaire as superintendents, assistant superintendents, consultants, or supervisors in services related to education, health, welfare and school attendance;
- (x) prescribing the qualifications of persons employed as educational assistants and the conditions of employment and general duties of those persons;
- (x.1) prescribing the qualifications of persons appointed to perform the function of chief financial officer for a board of education or the conseil scolaire;
- (y) respecting the payment of fees by a board of education, the conseil scolaire, a parent or a guardian with respect to the attendance of a pupil at a school;
- (z) respecting the use of languages other than English as languages of instruction;
- (aa) respecting the remuneration and reimbursement of expenses of persons, other than employees of the Government of Saskatchewan, who have been appointed pursuant to this Act:
 - (i) to assist with conferences or other meetings pertaining to professional development and educational planning authorized by the minister;
 - (ii) to adjudicate disputes;
 - (iii) to act on the Teacher Classification Board pursuant to section 271; or
 - (iv) to act on special committees or on boards of reference established by the minister;
- (bb) respecting the developing and equipping of and standards governing school libraries and learning resource centres;

(cc) governing the procedure to be followed with respect to any proceeding or thing authorized by this Act in any case where the provisions of this Act are, in the opinion of the minister, insufficient or inapplicable;

(cc.1) respecting the application of subsections 142(5) and (6) with respect to boards of education and subsections 143(4) and (5) with respect to the conseil scolaire;

(dd) governing the recovery of costs by a board of education pursuant to section 171 or 173 or by the conseil scolaire pursuant to section 172;

(ee) respecting and providing for the collection of fees for attendance in experimental and special schools, for the taking of provincial examinations, and for the issuance of certificates of standing and other certificates that may be issued by the department;

(ff) providing for the establishment and administration, under the control of the department, of:

(i) **Repealed.** 2012, c.10, s.45.

(ii) schools for pupils with intensive needs;

(gg) **Repealed.** 2012, c.10, s.45.

(gg.1) **Repealed.** 2009, c.15, s.23.

(hh) respecting any matter mentioned in subsections 295(2) and (4);

(ii) respecting the election of members of the conseil scolaire;

(ii.01) establishing property classes for the purposes of section 288;

(ii.1) for the purposes of section 288.1:

(i) prescribing a form of bylaw; and

(ii) prescribing a date for subsection 288.1(5);

(ii.2) respecting operating grants to be paid pursuant to section 310, including:

(i) prescribing and requiring compliance with any terms and conditions that may be imposed on a grant, including authorizing the minister to impose additional terms and conditions on a grant;

(ii) respecting the manner of calculating the local expenditures of a school division and the school division's revenues and the amount of any grant, including authorizing the minister to determine the manner in which local expenditures and revenue may be calculated; and

(iii) prescribing the minimum or maximum amount of any operating grant to be paid pursuant to section 310 to a school division;

(jj) **Repealed.** 1998, c.21, s.126.

(kk) prescribing any terms and conditions:

(i) under which the minister may guarantee a loan pursuant to section 322;
or

(ii) of a guarantee provided by the minister pursuant to section 322;

(kk.1) prescribing amounts for the purposes of sections 344, 347 and 355;

(ll) **Repealed.** 2012, c.10, s.45.

(mm) respecting any matter pertaining to the governance of francophone schools, including the activities of the conseil scolaire or the conseils d'écoles;

(mm.1) prescribing any terms and conditions for school community councils, including any terms and conditions respecting all or any of the following:

(i) the number and types of members;

(ii) the election of members;

(iii) terms of office of appointed members;

(iv) duties and powers;

(v) officers;

(mm.2) prescribing duties for boards of education regarding school community councils;

(mm.3) governing school reviews pursuant to sections 87.2 to 87.6, including prescribing:

- (i) any terms and conditions pursuant to which a board of education may carry out a review of a school;
- (ii) the composition of a school review committee;
- (iii) the responsibilities and duties of the school review committee;
- (iv) the terms of office of the members of the school review committee;
- (v) the criteria to be considered in carrying out a review of a school;

(mm.4) for the purposes of section 87.8:

- (i) prescribing the criteria, terms and conditions that a school must meet to be designated as a school of opportunity;
- (ii) prescribing any terms and conditions pursuant to which the minister may make grants to a board of education that is responsible for a school of opportunity;
- (iii) prescribing the minimum or maximum amount of any grant that the minister may make to a board of education that is responsible for a school of opportunity;
- (iv) prescribing the criteria to be considered by the minister in reviewing the designation of a school as a school of opportunity;
- (v) prescribing the criteria, terms and conditions that a school of opportunity must meet to remain open in accordance with subsection 87.8(9);

(mm.5) with respect to any matter governed by this Act:

- (i) adopting, as amended from time to time or otherwise, all or any part of any code, standard or guideline;
- (ii) amending for the purposes of this Act or the regulations any code, standard or guideline adopted pursuant to subclause (i);
- (iii) requiring compliance with a code, standard or guideline adopted pursuant to subclause (i);

(mm.6) for the purposes of section 163, prescribing matters respecting the school year, including:

(i) prescribing general school hours of operation, and prescribing acceptable variations of those hours;

(ii) prescribing the general schedule of operation for a school year;

(iii) prescribing the amount of instructional time required in a school year;

(iv) prescribing the type of activities that constitute instructional and non-instructional time;

(v) prescribing the minutes in each school day that are to constitute a recess period;

(vi) prescribing days as school holidays;

(vii) prescribing vacation periods;

(viii) prescribing notification requirements pursuant to which a board of education or the conseil scolaire shall notify its employees, trustees, parents and pupils, and the minister in the prescribed circumstances, of various matters respecting the school year;

(ix) authorizing the minister to determine any of the matters set out in subclauses (i) to (viii);

(nn) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purpose and intent of this Act;

(oo) prescribing or governing any other matter or thing required or authorized by this act to be prescribed or governed in the regulations.

(2) A regulation made pursuant to clause (1)(s) or (ii.2) may be made retroactive to a day not earlier than the first day of the period with respect to which the grant contemplated by the regulation is to be paid.

(2.1) A regulation made pursuant to clause (1)(ii.01) may be made retroactive to a day not earlier than January 1, 2013.

(3) **Repealed. 2009**, c.15, s.23. 1995, c.E-0.2, s.23.

1995, c.E-0.2, s.370; 1997, c.35, s.23; 1998, c.21, s.126; 1999, c.16, s.14; 2000, c.10, s.18; 2002, c.29, s.3; 2006, c.18, s.32; 2006, c.38, s.9; 2008, c.11, s.13; 2009, c.13, s.45; 2012, c.10, s.45; 2013, c.9, s.38; 2015, c.6, s.10; 2015, c.18, s.2.

Explanation

Section 370 has been redrafted to meet current drafting standards, section cross references have been updated, and requirements have been moved within the section as required for clarity.

370(1)(b) to (j) are new clauses that have been added to the section. These new clauses are required to provide authority for the requirements that are being moved from the Act to the regulations.

370(1)(n) is a new clause that has been included to provide authority for the requirements concerning boards of education and the conseil scolaire to be moved from the Act to the regulations.

370(c.01) concerning the Education Scholarship Fund is being repealed in an effort to streamline government processes. The distribution of scholarships is being brought into the activities of the ministry.

370(1)(dd)(dd.1) has been updated to include the acquisition, location, specifications, financing, furnishing, maintenance, use and disposition of school facilities, and equipment and supplies.

370(1)(qq) a new clause is required due to amendments to section 280 concerning the preparation and submission of budget estimates by boards of education and the conseil scolaire.

370 (ii.01) and (ii.1) are to be repealed by section 15 of *The Education Property Tax Consequential Amendments Act, 2017*.

370(1)(tt)(ii)(iii) repeal the term “school division” and replace with “board of education”.

Former 370(1)(kk) being removed due to the repeal of section 322 concerning the guarantee of loans.

Due to the repeal of the Education Scholarship Fund a new provision has been added to section 4 and 370(1)(zz) to allow the minister the authority to provide scholarships, bursaries or awards etc. to pupils.

Subsection 2.1 is being repealed by section 15 of *The Education Property Tax Consequential Amendments Act, 2017*.

104 Existing Provision

None.

Explanation

Each provision of the English version of the Act that is listed in the Schedule of this Act is amended by striking out “department” and substituting “ministry” as required. These amendments are required to correct the terminology to reflect current standards.

105 Existing Provision

None.

Explanation

Transitional provisions have been identified concerning the winding up of The Education Scholarship Fund.

106 Existing Provision

None.

Explanation

Transitional provisions have been identified concerning the coming into force of both the Act and the associated regulations.

107 Existing Provision

None

Explanation

The Act comes into force on Proclamation.