

The Education Act, 1995

being

Chapter E-0.2* of the *Statutes of Saskatchewan, 1995* (effective January 1, 1997) as amended by the *Statutes of Saskatchewan, 1996, c.45; 1997, c.35; 1998, c.21; 1999, c.16; 2000, c.10, 42 and 70; 2001, c.13; 2002, c.27 and 29; 2004, c.16 and 67; 2005, c.10, 11 and 21; 2006, c.18, 38 and 42; 2008, c.11; 2009, c.13, 14 and 15; 2010, c.10, c.22 and 25; 2012, c.10; 2013, c.P-38.01 and c.9; 2014, c.11 and c.28; 2015, c.3, c.6, c.18, c.22; and 2017, c11.*

***NOTE:** Pursuant to subsection 33(1) of The Interpretation Act, 1995, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-0.2

An Act respecting Elementary and Secondary Education in Saskatchewan

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Education Act, 1995*.

Definitions

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

“**bargaining collectively**” means negotiating in good faith with a view to the conclusion of a collective bargaining agreement, or a renewal or revision of a collective bargaining agreement, and 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 that is elected pursuant to *The Local Government Election Act, 2015*; (« *commission scolaire* »)

“**chief financial officer**” means a person appointed by a board of education or the conseil scolaire to perform the functions of chief financial officer of the 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* »)

“**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 that encompasses all 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, 2015*; (« *électeur* »)

“**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* »)

“francophone education area” means a geographic area 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* »)

“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* »)

“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 de scolarisation 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 in accordance with the regulations by a board of education and one or more other parties for the purposes of administering the affairs of a school, program or service in accordance with the agreement between the parties; (« *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* »)

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

“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 de scolarisation 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 ministry, 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* »)

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

“**school division**” means a school division designated pursuant to section 40, and includes a public school division and a separate school division; (« *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 year and ending on June 30 in the following year; (« *année scolaire* »)

“**separate school division**” means a separate school division established pursuant to subsection 41(2); (« *division scolaire séparée* »)

“**subdivision**” 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* »)

“**taxable assessment**” means a taxable assessment within the meaning of *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, as the case requires; (« *assiette d'imposition* »)

“**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) a board of education;
- (b) the conseil scolaire;
- (c) a conseil d'école; (« *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; 2017, c.11, s.3.

PART II

Provincial Administration

MINISTER

Responsibilities

3(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 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 specify, approve or recommend pursuant to clause 4(1.1)(m);
- (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; 2017, c.11, s.4.

Powers of minister

4(1) In accordance with section 3, the minister is responsible for the elementary and secondary education system and may do any things that the minister considers advisable to carry out that responsibility.

(1.1) Without limiting the generality of subsection (1), the minister may:

- (a) establish goals and objectives for the elementary and secondary education system;
- (b) establish performance measures and targets for the elementary and secondary education system;
- (c) develop, implement and evaluate elementary and secondary education policies;
- (d) conduct financial, human resources and information technology planning for the elementary and secondary education system;

- (e) develop methodologies for effective and efficient allocation of resources;
- (f) in accordance with this Act and the regulations, administer the allocation of available resources for the provision of elementary and secondary education;
- (g) make provision for the efficient organization, administration and operation of the elementary and secondary education system;
- (h) in accordance with this Act and the regulations, if 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;
- (i) in accordance with this Act and the regulations, establish boards of education;
- (j) if the minister considers it in the public interest to do so, appoint an official trustee to conduct the affairs of a board of education or the conseil scolaire and 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;
- (k) appoint one or more persons to advise the minister with respect to approval of plans for the location, specifications, financing, furnishing and maintenance of school buildings;
- (l) 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;
- (m) specify, 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;
- (n) determine the subjects of instruction and issue courses of study for each grade from kindergarten to Grade 12, or any combination of those grades, for all schools;
- (o) determine compulsory and optional subjects and course requirements for completion of a grade of instruction;
- (p) 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 determined by the minister;

- (q) subject to any regulations that may be made by the Lieutenant Governor in Council, establish policies with respect to the approval, implementation, coordination, funding and operation of prekindergarten programs;
- (r) subject to this Act and the regulations, impose terms and conditions on, and issue written directives with respect to, grants made by the minister to a board of education or the conseil scolaire pursuant to this Act;
- (s) 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;
- (t) make provision for the training of teachers, including those required for new or special programs or services to pupils;
- (u) approve the form of the register of attendance and the manner of its use in recording the daily attendance of pupils;
- (v) determine the form in which enrolment and attendance data are to be submitted to the ministry;
- (w) for children resident in any portion of the Northern Saskatchewan Administration District, make arrangements for the education of those children:
 - (i) in any school division under the jurisdiction of the ministry; or
 - (ii) in any similar school division in Manitoba or Alberta;
- (x) make provision for the registration of independent schools;
- (y) make provision for the inspection and supervision of registered independent schools;
- (z) make provision for the registration of home-based education programs;
- (aa) make provision for the monitoring of registered home-based education programs;
- (bb) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;
- (cc) subject to the regulations, make grants for the provision or enhancement of language education programs;
- (dd) establish policies respecting pupils with intensive needs as defined in section 178;

- (ee) subject to the regulations, provide scholarships, bursaries or similar awards to pupils;
 - (ff) exercise any other powers given to the minister by this Act or the regulations.
- (2) A person who is appointed by the minister pursuant to clause (1.1)(j) is entitled to 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 ministry 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; 2017, c11, s.5 and 66.

Consultation

4.01 In carrying out the minister's responsibilities pursuant to section 3 and in exercising the minister's powers pursuant to section 4, the minister may consult with, and seek the advice of, boards of education, the conseil scolaire and any other persons that the minister considers appropriate.

2017, c11, s.6.

Minister's directives

4.02(1) The minister may, from time to time, give a written directive to a board of education or the conseil scolaire to take any action that the minister considers necessary in relation to the operations of the board of education or the conseil scolaire, as the case may be.

(2) Without limiting the generality of subsection (1), a minister's written directive may require a board of education or the conseil scolaire:

- (a) to carry out its operations in accordance with the strategic direction of the elementary and secondary education system, as set by the minister;
- (b) to carry out its responsibilities as set out in this Act and the regulations and to exercise its powers in accordance with this Act and the regulations; or
- (c) to coordinate the activities that it undertakes with any other person or organization engaged in elementary or secondary education.

(3) If a board of education or the conseil scolaire receives a minister's written directive pursuant to this Act, the board of education or the conseil scolaire, as the case may be, shall take any steps that are necessary to comply with the written directive.

2017, c11, s.6.

4.1 Repealed. 2017, c11, s.7.

Inquiry

5(1) The minister may:

- (a) appoint one or more persons to inquire into and report on:
 - (i) any appeal, complaint, difference or disagreement arising from the decision of the conseil scolaire, a board of education, director or other school official; or
 - (ii) any matter related to the condition and development of education in:
 - (A) a school division; or
 - (B) a francophone education area;
- (b) fix the expenses of and incidental to an inquiry established pursuant to clause (a), including fixing the fees of and disbursements to persons appointed to conduct the inquiry.

(2) The persons appointed pursuant to clause (1)(a) have all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013* and may make rules determining procedures to be used in conducting the inquiry.

(3) On receipt of a report of an inquiry established pursuant to clause (a), the minister may make any order or decision that the minister considers appropriate.

(4) An order or decision of the minister pursuant to subsection (3) is final and binding on all the parties affected by the order or decision.

1995, c.E-0.2, s.5; 1998, c.21, s.6; 2013, c.P-38.01, s.34.

6 Repealed. 2000, c.10, s.6.

7 Repealed. 2000, c.10, s.6.

Powers of minister regarding programs and materials

8(1) The minister may engage in the production, acquisition, sale, lease, distribution, exhibition and handling of educational programs, textbooks, library books, reference books, other learning resources, materials and property, including intellectual property, in any format, whether or not they are related to kindergarten to grade 12 education or prekindergarten programs.

(2) Without limiting the generality of subsection (1), the minister may:

(a) produce, acquire, sell, lease, distribute, exhibit or otherwise deal in educational programs and materials;

(b) acquire and preserve any audio-visual materials, papers, periodicals or any other material of any kind or description that the minister considers necessary to produce any educational programs and materials;

(c) make arrangements or enter into agreements with any persons for the use of any rights, privileges or concessions acquired by the minister in connection with carrying out any of his or her duties;

(d) notwithstanding any other provision of this Act or any other Act, acquire by lease any personal property that the minister considers necessary to carry out any of his or her duties efficiently, and may lease any of that personal property acquired for those activities to any person or association for their own use.

1995, c.E-0.2, s.8; 2006, c.18, s.6; 2013, c.9, s.6.

Copyright tariffs and licence agreements

9(1) In this section:

“**collective society**” means a collective society as defined in the *Copyright Act* (Canada); (« *société de gestion* »)

“**Copyright Board**” means the Copyright Board established pursuant to the *Copyright Act* (Canada); (« *Commission du droit d’auteur* »)

“**educational institution**” includes a board of education, the conseil scolaire and an independent school. (« *établissement d’enseignement* »)

- (2) The minister may:
- (a) pay a collective society for the right or authority of the minister or an educational institution to reproduce or use any works in which copyright subsists or for which a tariff has been certified by the Copyright Board; and
 - (b) enter into agreements to obtain the right or authority for the minister or an educational institution to reproduce or use any works in which copyright subsists.
- (3) An educational institution that obtains a right or authority mentioned in subsection (2) shall:
- (a) comply with any applicable terms, conditions and restrictions contained in the tariff or the agreement;
 - (b) provide to the minister any information, documents, notices, copies of works or other materials required to be obtained by the minister pursuant to the tariff or the agreement; and
 - (c) indemnify the minister against all claims, actions, damages, costs and liabilities that the minister may suffer or incur as a result of the failure of the educational institution to comply with clause (a) or (b).
- (4) Any amount for which an educational institution is required to indemnify the minister pursuant to subsection (3) is a debt due to the Crown in right of Saskatchewan that may be recovered:
- (a) by retaining the amount of the debt due as a set-off pursuant to *The Financial Administration Act, 1993*; or
 - (b) in any other manner authorized by law.

2012, c.10, s.4.

10 Repealed. 2005, c.11, s.5.

11 Repealed. 2012, c.10, s.5.

EDUCATIONAL COUNCIL

12 Repealed. 2012, c.10, s.6.

13 Repealed. 2012, c.10, s.6.

14 Repealed. 2012, c.10, s.6.

CONSEIL GÉNÉRAL

15 to 36 Repealed. 1998, c.21, s.8.

37 Repealed. 2010, c.22, s.3.

38 Repealed. 2010, c.22, s.3.

39 Repealed. 2010, c.22, s.3.

PART III

Local Government Administration
SCHOOL DIVISIONS, CONSEIL SCOLAIRE AND
FRANCOPHONE EDUCATION AREAS

School divisions and subdivisions

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

(2) In accordance with this Act and the regulations, a school division may be divided into one or more subdivisions for the purposes of the election of members of the board of education.

2017, c11, s.8.

Power of minister to establish school divisions

41(1) Subject to subsection (2), 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) 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.

2017, c11, s.8.

Order establishing school division

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

- (a) assign a distinguishing name and number to the school division;
- (b) state the date on which the school division is established;
- (c) designate the boundaries of the school division;
- (d) if applicable, define the boundaries of the subdivisions of the school division and assign a number to each of them;

- (e) in accordance with the regulations, state the number of members that constitutes the board of education;
 - (f) in accordance with the regulations, provide for:
 - (i) the establishment of the board of education; and
 - (ii) all matters necessary and incidental to the establishment of the board of education; and
 - (g) make provision for the vesting of assets and liabilities of the school division.
- (2) Every minister's order made pursuant to this section must be published in the Gazette.

2017, c11, s.8.

Conseil scolaire established

- 42.1(1)** The Conseil scolaire fransaskois is established as a corporation on the date set out in the minister's order establishing the Conseil scolaire fransaskois.
- (2) The corporation shall have a common seal and shall possess and may exercise all of the powers vested in a corporation by *The Interpretation Act, 1995* insofar as they are necessary for carrying out the provisions of this Act.
- (3) The conseil scolaire shall consist of not less than five and not more than 10 members.

1998, c.21, s.12.

Proposal for francophone education area and fransaskois school

43 Where two or more minority language adults who are each the parent of one or more children who have not yet attained the age of 22 years propose to establish a francophone education area and a fransaskois school, the minority language adults shall:

- (a) cause a notice of their intention and, as far as possible, a description of the proposed francophone education area and the location of the fransaskois school to be published in the French or English language in at least one issue of a newspaper that has general circulation:
 - (i) among minority language adults in Saskatchewan; and
 - (ii) in the area proposed to be a new francophone education area; and
- (b) not less than eight days after the notice mentioned in clause (a) is published, submit to the conseil scolaire a proposal to create a francophone education area and establish a fransaskois school.

1998, c.21, s.13.

Approval or rejection of proposal by conseil scolaire

43.1(1) On receipt of a proposal pursuant to section 43, the conseil scolaire shall, for the purpose of evaluating the proposal, consult with the minority language adults who submitted the proposal.

(2) After consulting with the minority language adults, the conseil scolaire shall evaluate the proposal, giving consideration to the factors mentioned in subsection (3) and give written notice to the minority language adults that the conseil scolaire:

- (a) approves the proposal as submitted;
- (b) approves the proposal:
 - (i) with changes identified by the conseil scolaire; and
 - (ii) where the conseil scolaire considers it appropriate, on the condition that the approved proposal with the changes identified by the conseil scolaire be published in accordance with the procedure set out in section 43 for the publication of a notice of intention; or
- (c) rejects the proposal.

(3) When evaluating a proposal pursuant to subsection (2), the conseil scolaire shall consider:

- (a) whether the appropriate services, in pedagogical terms, can be offered;
 - (b) whether there is an existing francaskois school or schools in close proximity that could already meet the needs of the students;
 - (c) whether the proposed francophone education area is appropriate;
 - (d) whether there is a demand for francophone education in the proposed francophone education area;
 - (e) whether there is an indicated interest among minority language adults who would take advantage of the service;
 - (f) whether the distances over which the students would be required to be transported are reasonable;
 - (g) whether physical facilities may be made available;
 - (h) whether the cost of the contemplated services is reasonable;
 - (i) whether there is any reason to make provision for the representation that the francophone education area is to have on the conseil scolaire;
 - (j) whether there is any reason, based on any factor or consideration that the conseil scolaire deems appropriate, not to establish the francophone education area and a francaskois school.
- (4) The conseil scolaire shall not approve a proposal that would result in there being more than 10 members on the conseil scolaire.
- (5) Every proposal approved by the conseil scolaire pursuant to this section shall be forwarded to the minister together with the written approval of the conseil scolaire.

Changing boundaries of francophone education areas

44(1) A conseil d'école or one or more minority language adults may, in writing, to the conseil scolaire, propose a change of the boundaries of a francophone education area.

(2) On receipt of a proposal from a conseil d'école or one or more minority language adults pursuant to subsection (1), the conseil scolaire shall, in writing, approve or reject the proposal.

(3) Every proposal approved by the conseil scolaire pursuant to subsection (2) shall be forwarded by the conseil scolaire to the minister together with the written approval of the conseil scolaire.

1998, c.21, s.14; 2017, c11, s.66.

45 Repealed. 1998, c.21, s.15.

46 Repealed. 1998, c.21, s.15.

Francophone education area established and altered by minister's order

47 On receipt of a proposal and the conseil scolaire's approval of the proposal pursuant to section 43.1 or 44, the minister shall, within 30 days after the receipt of the proposal, by order:

- (a) establish the francophone education area in accordance with the proposal; or
- (b) alter the boundaries of the francophone education area in accordance with the proposal.

1998, c.21, s.16.

Contents of minister's order

48(1) Every minister's order made pursuant to section 47 must:

- (a) be published in the Gazette;
 - (b) state the day on which the francophone education area is established or the boundaries of the francophone education area are altered, as the case may be;
 - (c) define or alter the boundaries of the francophone education area;
 - (d) in the case of a new francophone education area and subject to the other provisions of this Act and the regulations, provide for the holding of the first election for a member of the conseil scolaire to represent the francophone education area established pursuant to section 47 and for all matters necessary and incidental to the holding of the election, including the designation of the last date for the receipt of nominations.
- (2) The term of office of a member elected in an election held in accordance with procedures provided in a minister's order pursuant to clause (1)(d) expires at the first meeting of the conseil scolaire elected at the next general election held after the day on which the member assumed office.

1998, c.21, s.16.

Establishment of separate school division

49(1) In this section, “**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.

1995, c.E-0.2, s.49; 2000, c.10, s.8; 2006, c.38, s.3; 2015, c.22, s.5; 2017, s.11, c.9.

Conduct of poll

50(1) A poll is to be taken for and against the establishment of a proposed separate school division in accordance with this section.

(2) A person is qualified to vote for or against the establishment of a proposed separate school division if he or she:

- (a) is an elector and resides within the boundaries of the proposed separate school division; and
- (b) is of the same religious faith as the petitioners mentioned in section 49.

- (3) The poll is to be conducted not earlier than the 21st day, and not later than the 28th day, after the meeting of electors held pursuant to section 49.
- (4) The poll is to be conducted by the returning officer appointed by the minister for that purpose.
- (5) The returning officer appointed pursuant to subsection (4) shall:
 - (a) appoint a poll clerk and any other officials that may be necessary to conduct the poll;
 - (b) fix the day on which and the place where the poll is to be conducted;
 - (c) fix the time when and the place where, in accordance with subsection (13), the returning officer shall attend to receive representations and appoint electors to represent supporters and opponents of the petition; and
 - (d) at least 10 days before the day fixed for the poll, cause a notice, in the prescribed form, of the matters mentioned in clauses (b) and (c) to be:
 - (i) published in at least one issue of a newspaper that has general circulation in the area of the proposed separate school division; and
 - (ii) posted in at least six widely separated and conspicuous public places in the proposed separate school division.
- (6) The poll is to be kept open from 9:00 a.m. to 8:00 p.m. on polling day.
- (7) On attending at the polling place on polling day, an elector shall:
 - (a) complete a declaration in the prescribed form; and
 - (b) deliver the completed declaration to the poll clerk.
- (8) The poll clerk shall fasten together and number the completed declarations in the order in which they are received, and where the poll clerk has done so, the declarations are deemed to be the poll book.
- (9) The returning officer shall provide a ballot to every elector who has completed and delivered a declaration in accordance with subsection (7).
- (10) On receipt of a ballot, an elector shall:
 - (a) proceed to the screened part of the polling place provided for the purpose of voting;
 - (b) mark the ballot by placing an 'X' opposite the elector's choice;
 - (c) fold the ballot so that the mark is not visible; and
 - (d) deliver the folded ballot to the returning officer.
- (11) On receiving a ballot from an elector, the returning officer shall deposit the folded ballot in the ballot box provided for that purpose.

(12) On the close of the poll, the returning officer shall open the ballot box in the presence of the poll clerk and in the presence of the persons appointed pursuant to subsection (13) to attend at the counting of votes, and the returning officer shall:

- (a) record, in the prescribed form, the votes as they are shown on the ballots;
- (b) total the votes; and
- (c) declare the results of the vote.

(13) At the time and place fixed pursuant to clause (5)(c), the returning officer shall attend to receive representations requesting the appointment of electors to be authorized to attend at the polling place and at the counting of the votes, and the returning officer shall, from among those representations, appoint in writing, in the prescribed form, not more than two electors to attend at the polling place and at the counting of the votes on behalf of electors in favour of, and the same number on behalf of electors against, the petition.

(14) The returning officer is not required to appoint electors pursuant to subsection (13) if the returning officer receives no representations pursuant to that subsection.

(15) Where an elector appointed pursuant to subsection (13) objects to the eligibility of a person wishing to vote, the poll clerk shall note the objection in the poll book.

(16) Where an elector appointed pursuant to subsection (13) objects to the counting or the rejection of a ballot by the returning officer, the poll clerk shall record the objection, and the returning officer shall include in the record made pursuant to clause (12)(a) the total number of votes for which an objection is made pursuant to this subsection.

2000, c.10, s.9; 2006, c.38, s.4.

Report to minister

51 The returning officer appointed pursuant to section 50 shall:

- (a) submit to the minister a report of the results of a poll within three days after the poll is conducted;
- (b) retain, in a secure place, the ballots, poll book and any related materials pertaining to the poll for two months after polling day; and
- (c) after the expiration of the period mentioned in clause (b), dispose of the documents mentioned in clause (b) in the manner directed by the minister.

2000, c.10, s.9.

Tie vote

51.1 In the case of an equality of votes, the matter is deemed to be resolved in favour of the situation as it exists at the time the vote is taken.

2000, c.10, s.9.

Application of other Acts

51.2(1) Part VI of *The Local Government Election Act* applies, with any necessary modification, to a request for a recount of ballots cast pursuant to section 50.

(2) *The Controverted Municipal Elections Act* applies, with any necessary modification, where the validity of a poll taken pursuant to section 50 is challenged on the grounds of irregularities in the conduct of the poll.

2000, c.10, s.9.

Duties of chairperson and secretary

52 On receipt of the minister's order establishing a separate school division, the chairperson and secretary mentioned in subsection 49(8) shall initiate procedures to elect the members of the board of education of the separate school division.

1995, c.E-0.2, s.52.

Powers and duties of separate school divisions

53(1) On the establishment of a separate school division pursuant to this Act, the separate school division and the board of education of the separate school 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; 2017, c11, s.10.

Alteration of boundaries of school division or subdivision

54(1) In accordance with this Act and the regulations, the minister may, by order, alter the boundaries of:

- (a) a school division; or
- (b) a subdivision.

(2) No alteration of the boundaries 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) Every minister's order made pursuant to subsection (1) must be published in the Gazette.

2017, c11, s.11.

55 Repealed. 2017, c11, s.12.

56 Repealed. 1998, c.21, s.17.

Change of name or number of school division

57(1) In accordance with this Act and the regulations, the minister may, by order, change the name or the number of a school division.

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

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

2017, c11, s.13.

58 Repealed. 1998, c.21, s.18.

Map of school divisions

59 The minister shall cause to be prepared a map of Saskatchewan showing the boundaries of school divisions, and the ministry shall maintain a record of the legal description of those portions of Saskatchewan that constitute each school division.

1995, c.E-0.2, s.59; 2017, c11, s.66.

Disestablishment of school division or francophone education area

60(1) The minister may, by order, declare that a school division is disestablished as of the date specified in the order.

(2) If the conseil scolaire closes the only remaining francsaskois school in a francophone education area, the conseil scolaire shall notify the minister of the closure and request that the francophone education area be disestablished.

(3) On receipt of a request from the conseil scolaire pursuant to subsection (2), the minister shall, within 30 days after receipt of the request, by order, declare that the francophone education area is disestablished as of the date specified in the order.

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

(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.

2017, c11, s.14.

BOARDS OF EDUCATION AND CONSEIL SCOLAIRE

Boards of education

61(1) 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.

(2) The establishment of a board of education and all proceedings preliminary and subsequent to that establishment are to be conducted in accordance with this Act and the regulations.

(3) The board of education of each school division is a corporation called the Board of Education of the _____ School Division No. _____ of Saskatchewan.

(4) The powers, duties and rules of procedure of a board of education are as prescribed in the regulations.

2017, c11, s.15.

62 Repealed. 1998, c.21, s.20.

63 Repealed. 2017, c11, s.16.

Conseil scolaire

64(1) The election of members of the conseil scolaire and all proceedings preliminary and subsequent to that election are to be conducted in accordance with this Act and the regulations.

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

(3) The powers, duties and rules of procedure of the conseil scolaire are as prescribed in the regulations.

2017, c11, s.17.

Requirements for candidates for conseil scolaire

65(1) Subject to subsection (2), every person who qualifies as a voter in a francophone education area is eligible to be a candidate for election as the member of the conseil scolaire for that francophone education area.

(2) Where a person does not qualify as a candidate pursuant to subsection (1), that person may be eligible to be a candidate as the member for the francophone education area if the person is a minority language adult who is resident in the francophone education area in which he or she is seeking election.

(3) An employee of the conseil scolaire may seek nomination to the conseil scolaire if the person has first obtained a leave of absence in accordance with subsection 80(1) of *The Labour Standards Act*.

(4) Notwithstanding subsection 80(2) of *The Labour Standards Act*, an employee of the conseil scolaire is deemed to have resigned from his or her position of employment on the day before the day on which that employee is declared elected, unless for any other reason the results of the election are overturned.

1998, c.21, s.22.

Voters may also be registered as electors

66(1) A voter is entitled to be registered as an elector of the school division in which the voter resides.

(2) **Repealed.** 2006, c.18, s.8.

1995, c.E-0.2, s.66; 2006, c.18, s.8.

67 Repealed. 1998, c.21, s.22.

68 Repealed. 2017, c11, s.18.

69 Repealed. 2017, c11, s.18.

70 Repealed. 2017, c11, s.18.

Declaration of office by members

71(1) Every person who is elected a member of a board of education or the conseil scolaire shall make a declaration before a commissioner for oaths in the prescribed form.

(2) The commissioner for oaths before whom the declaration of office is made shall endorse on or attach to the declaration a certificate in the prescribed form.

(3) Every member of a board of education or the conseil scolaire shall:

(a) swear or affirm the declaration mentioned in subsection (1) before commencing his or her duties as a member of the board of education or the conseil scolaire; and

(b) deliver the declaration and certificate required by this section to the board of education or the conseil scolaire at the first meeting of the board of education or the conseil scolaire.

(4) The board of education or the conseil scolaire shall:

(a) enter the fact of the delivery of the declaration and the certificate in the minutes of the meeting; and

(b) retain the declaration and certificate on file.

1995, c.E-0.2, s.71; 1998, c.21, s.27 and 128;
2009, c.13, s.6.

72 Repealed. 2017, c11, s.19.

73 Repealed. 2017, c11, s.19.

74 Repealed. 2017, c11, s.19.

75 Repealed. 2017, c11, s.19.

76 Repealed. 2017, c11, s.19.

77 Repealed. 2017, c11, s.19.

78 Repealed. 2017, c11, s.19.

79 Repealed. 2017, c11, s.19.

Meetings open to public

80(1) Every meeting of a board of education or the conseil scolaire shall be open to the public, but a person may be excluded for improper conduct.

(2) Notwithstanding subsection (1) but subject to subsection (3), a board of education or the conseil scolaire may determine, by resolution, that any matter should be dealt with in closed session and, on the making of that resolution, the board of education or the conseil scolaire may deal with that matter in closed session.

(3) A board of education or the conseil scolaire may conduct a vote on any matter only in a meeting that is open to the public.

(4) A person who is considered by the board of education or the conseil scolaire to be guilty of improper conduct at the meeting may be excluded from the meeting.

1995, c.E-0.2, s.80; 1998, c.21, s.30.

Alternate meeting procedures

80.1(1) Notwithstanding subsection 80(1), the conseil scolaire or a board of education may hold a meeting using any electronic means that may be prescribed in the regulations and according to the procedures that may be prescribed in the regulations.

(2) Where a meeting is held pursuant to subsection (1), the conseil scolaire or board of education shall record and maintain a detailed written record of the proceedings.

(3) If a meeting is held pursuant to subsection (1), there must be a means of communication at the conseil scolaire or board of education office to which the public has access during the meeting and which allows members of the public to follow any discussion and votes that occur at the meeting.

(4) For the purposes of this Act and the regulations, the detailed written record of the proceedings of the meeting mentioned in subsection (2) is deemed to be the minutes of that meeting.

1998, c.21, s.31; 2009, c.13, s.7.

81 Repealed. 2017, c11, s.20.

82 Repealed. 2017, c11, s.20.

83 Repealed. 2017, c11, s.20.

84 Repealed. 2017, c11, s.20.

DUTIES AND POWERS OF BOARDS OF EDUCATION AND CONSEIL SCOLAIRE

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.

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 fransaskois school;
- (k) subject to the regulations, furnish transportation services to pupils and to children attending kindergarten or prekindergarten programs to and from fransaskois 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, fransaskois 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 fransaskois 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 francophone schools that may be required by the minister;
- (w) prescribe procedures with respect to the design, maintenance and supervision of francophone 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 francophone school program, to which francophone 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.

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) subject to the approval of the Lieutenant Governor in Council, 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.

1995, c.E-0.2, s.87; 1998, c.21, s.37; 2006, c.18, s.12; 2008, c.11, s.5; 2017, c11, s.21.

87.1 Repealed. 2017, c11, s.22.

87.2 Repealed. 2017, c11, s.22.

87.3 Repealed. 2017, c11, s.22.

87.4 Repealed. 2017, c11, s.22.

87.5 Repealed. 2017, c11, s.22.

87.6 Repealed. 2017, c11, s.22.

87.7 Repealed. 2017, c11, s.22.

87.8 Repealed. 2017, c11, s.22.

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 francsaskois 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.

89 Repealed. 2017, c11, s.23.

90 Repealed. 2017, c11, s.23.

91 Repealed. 2004, c.16, s.3.

92 Repealed. 2017, c11, s.24.

93 Repealed. 2017, c11, s.24.

94 Repealed. 2017, c11, s.24.

95 Repealed. 2017, c11, s.24.

96 Repealed. 2017, c11, s.24.

97 Repealed. 2017, c11, s.25.

98 Repealed. 2017, c11, s.25.

99 Repealed. 2017, c11, s.25.

100 Repealed. 2017, c11, s.26.

101 Repealed. 2017, c11, s.26.

102 Repealed. 1998, c.21, s.42.

103 Repealed. 2017, c11, s.27.

104 Repealed. 2017, c11, s.27.

105 Repealed. 2017, c11, s.27.

106 Repealed. 2017, c11, s.27.

107 Repealed. 2017, c11, s.27.

108 Repealed. 2009, c.13, s.20.

109 Repealed. 2017, c11, s.28.

110 Repealed. 2017, c11, s.28.

111 Repealed. 2009, c.13, s.22.

112 Repealed. 2009, c.13, s.22.

113 Repealed. 2009, c.13, s.22.

114 Repealed. 2009, c.13, s.22.

115 Repealed. 2009, c.13, s.22.

116 Repealed. 2017, c11, s.29.

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) A 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 the board of education or the conseil scolaire, as the case may be, relating to a home-based education program, an independent school or independent school teachers.

1998, c.21, s.52; 2017, c11, s.30.

ASSETS AND LIABILITIES OF SCHOOL DIVISIONS

Adjustment of assets and liabilities on transfer of portion of division

118(1) On the transfer of any portion of a school division to another school division, the minister shall, in the order making the transfer or by a subsequent order, give any direction for the settlement and adjustment of assets and liabilities that the minister may, in his or her discretion, consider fit and proper.

(2) In an order mentioned in subsection (1), the minister may prescribe:

- (a) the basis and terms of the settlement and adjustment; and
- (b) the manner in which they are to be given effect.

- (3) Where, by the terms of the settlement and adjustment, any rates or taxes are required to be levied or collected on property within or outside the school division, the minister may prescribe:
- (a) by whom the rates or taxes are to be levied or collected;
 - (b) the times and the manner in which those rates and taxes are to be raised, levied and collected;
 - (c) to whom the rates or taxes or any part of them are to be paid, and in what proportions; and
 - (d) to whom any moneys payable with respect to the settlement and adjustment are to be paid.
- (4) The minister may, by order, vest any land registered in the name of the school division from which any portion is transferred in the name of the board of education of the school division to which the portion is transferred.
- (5) A copy of the order mentioned in subsection (4) certified by the minister is sufficient authority for the Land Titles Registry in the consideration of an application for a transfer of title pursuant to subsection (6).
- (6) The board of education of the school division in which the land is to be vested may submit to the Land Titles Registry an application for registration of a transfer of title, accompanied by a certified copy of the order of the minister.
- (6.1) An application for registration of a transfer of title described in subsection (6) must be registered in the Land Titles Registry without the charge of any fees other than a nominal administrative fee imposed pursuant to *The Land Titles Act, 2000*.
- (7) Where all portions of a school division have been transferred to one or more school divisions, the school division is deemed to be disestablished once the transfers have been made.

1995, c.E-0.2, s.118; 1998, c.21, s.53; 2000, c.70, s.7.

Inventory of assets and liabilities

119 Where a school division is established pursuant to section 41, the board of education of each school division from which any portions have been transferred to the newly established school division shall furnish to the board of education of the newly established school division an inventory of its assets and property with an itemized statement of existing liabilities relating specifically to the transferred portion of the school division.

1995, c.E-0.2, s.119.

SCHOOL DISTRICTS

School district

120(1) Subject to subsections (2) to (4), in that portion of a school division outside a city, the attendance area of each operating school or of operating schools located in the same municipality constitutes a school district.

(2) Subsection (1) does not apply to a school division where the board of education:

- (a) operates only one school; or
- (b) operates schools in only one municipality.

(3) Subject to subsection (4), the board of education shall determine the boundaries of a school district.

(4) Lands owned or occupied by electors whose children attend or would be entitled to attend the school of the school district for educational services from kindergarten to Grade 9 must be included in the school district.

1995, c.E-0.2, s.120.

Map of school districts

121(1) Every board of education shall prepare a map of the school division showing:

- (a) the boundaries of each school district in it; and
- (b) the location of the school or schools in operation in each school district.

(2) Every board of education shall send a copy of the map mentioned in subsection (1) to the ministry.

1995, c.E-0.2, s.121; 2017, c11, s.66.

Map of division scolaire francophone

121.1(1) The conseil scolaire shall prepare a map of the division scolaire francophone showing:

- (a) the boundaries of each attendance area; and
- (b) the location of each francsaskois school in operation in each attendance area.

(2) The conseil scolaire shall send a copy of the map mentioned in subsection (1) to the ministry.

1998, c.21, s.54; 2017, c11, s.66.

Alteration of boundaries of school district

122(1) The boundaries of a school district may be altered at the discretion of the board of education to conform to attendance and organizational and administrative policies of the board of education, but, subject to subsection 120(1), all portions of a school division outside a city must be included in school districts.

(2) All changes of boundaries made pursuant to subsection (1) are to be reported to the ministry immediately by the board of education and are effective for the purposes of elections and any other official requirements on and from June 30 in the school year in which the changes are approved by the board of education.

1995, c.E-0.2, s.122; 2017, c11, s.66.

Alteration of attendance area boundaries

122.1(1) The boundaries of an attendance area of a francsaskois school may be altered within the limits of the francophone education area at the discretion of the conseil scolaire to conform to attendance and organizational and administrative policies of the conseil scolaire.

(2) All changes of boundaries made pursuant to subsection (1) are to be reported to the ministry immediately by the conseil scolaire and are effective for the purposes of elections and any other official requirements on and from June 30 in the school year in which the changes are approved by the conseil scolaire.

(3) The conseil scolaire:

(a) shall not include any land in an attendance area if the land is not part of the francophone education area; and

(b) shall include all portions of a francophone education area in an attendance area.

1998, c.21, s.55; 2017, c11, s.66.

123 to 124 Repealed. 2006, c.18, s.16.

125 to 129 Repealed. 2006, c.18, s.16.

130 to 133 Repealed. 2006, c.18, s.16.

134 Repealed. 2006, c.18, s.16.

CONSEILS D'ÉCOLES**Conseil d'école for each francsaskois school**

134.1(1) Each francsaskois school must have a conseil d'école.

(2) As determined by the conseil scolaire, a conseil d'école must have a minimum of three and maximum of eight persons each of whom is the parent of a pupil attending the francsaskois school.

1998, c.21, s.57.

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) **Repealed.** 2017, c11, s.31.

- (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 fransaskois 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 fransaskois 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.

Procedure at meetings of conseil d'école

134.3 Section 80 applies, with any necessary modification, to meetings of a conseil d'école.

1998, c.21, s.57; 2017, c11, s.32.

Other activities of conseil d'école

134.4(1) A conseil d'école may engage in any other lawful activities that are authorized by a resolution passed at an annual general meeting convened pursuant to clause 134.2(5)(b).

(2) A conseil d'école may incorporate itself pursuant to *The Non-Profit Corporations Act, 1995* for the purposes of engaging in any activities that are authorized by a resolution passed at an annual general meeting convened pursuant to clause 134.2(5)(b).

(3) Moneys provided by the conseil scolaire for a conseil d'école must:

- (a) be accounted for separately and kept separate from any other moneys of the conseil d'école; and
- (b) not be used for any purposes other than the purposes for which the money is provided by the conseil scolaire.

1998, c.21, s.57.

135 to 140 Repealed. 2006, c.18, s.17.

SCHOOL COMMUNITY COUNCILS

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 the school 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; 2017, c11, s.33.

Membership of school community council

140.2 Subject to the regulations and the policies of its board of education, every school community council shall consist of:

- (a) no fewer than five and no more than nine elected members who are parents or guardians of pupils or community members; and
- (b) appointed members.

2006, c.18, s.18; 2006, c.38, s.6.

Terms of office

140.3(1) Subject to subsections (2) and (4), each elected member of a school community council holds office for two years and is eligible for re-election.

(2) In the first election for each school community council, approximately half of the members are to be elected to one-year terms and the other members are to be elected to two-year terms.

(3) If there is a vacancy in an elected member's position, a board of education may appoint an individual to that position.

(4) The terms of all members of a school community council that is to be amalgamated or separated pursuant to subsection 140.1(3) or (4) terminate on the day after the election of the members of the newly constituted school community council.

2006, c.18, s.18; 2006, c.38, s.7.

Disqualification of members

140.4 A school community council member shall vacate his or her office as a member of the school community council if the member:

- (a) is convicted of an indictable offence;
- (b) is absent from three or more consecutive meetings of the school community council without the authorization of the school community council; or
- (c) ceases to be eligible for election as a member pursuant to the regulations or the policies of the school community council's board of education.

2006, c.18, s.18.

Duties and powers

140.5 Every school community council shall:

- (a) facilitate parent and community participation in school planning;
- (b) provide advice to its board of education;
- (c) provide advice to its school's staff;
- (d) provide advice to other agencies involved in the learning and development of pupils; and
- (e) comply with the regulations and the policies of its board of education.

2006, c.18, s.18.

PART IV
Pupils, Programs and Services
 PUPILS

Right to education

141(1) Subject to sections 154, 155 and 157, no teacher, trustee, director or other school official shall, in any way deprive, or attempt to deprive, a pupil of access to, or the advantage of, the educational services approved and provided by the board of education or the conseil scolaire.

(2) Where any of the persons mentioned in subsection (1) contravenes the provisions of that subsection, that person is disqualified from holding his or her office or position.

1995, c.E-0.2, s.141.

Right to attend school at cost of school division

142(1) Subject to the other provisions of this Act, every person who has attained the age of six years but has not yet attained the age of 22 years has the right:

- (a) to attend school in the school division where that person or that person's parents or guardians reside; and
- (b) to receive instruction appropriate to that person's age and level of educational achievement.

(2) A person's right to receive instruction mentioned in clause (1)(b) is the right to instruction in courses of instruction approved by the board of education:

- (a) in the schools of the school division; or
- (b) subject to the stated policies, requirements and conditions of the board of education, in any schools or institutions outside the school division with which the board of education has made arrangements to provide certain services to pupils of the school division.

(3) Except as otherwise provided in this Act, the educational services provided pursuant to this section are to be provided at the cost of the school division, and no fees for tuition, transportation or any other expenses with respect to attendance at school are to be charged with respect to a pupil who is resident in the school division or whose parent or guardian is a resident in the school division.

(4) Notwithstanding subsection (3), the board of education may require payment in whole or in part of costs incurred with respect to transportation pertaining to special projects or special equipment or supplies not ordinarily furnished to pupils under the policies of the board of education.

(5) Subject to the regulations, when a pupil who is resident in one school division is accepted by a board of education to attend a school in another school division, no fees for tuition are to be charged with respect to the pupil's attendance at the school in the other school division.

(6) Subject to the regulations, if a pupil mentioned in subsection (5) attends school in another school division, the board of education for that school division is not required to provide the pupil with school transportation services or to pay for school transportation services for the pupil.

1995, c.E-0.2, s.142; 1998, c.21, s.58; 2013, c.9, s.11.

Right to attend school at cost of conseil scolaire

143(1) Subject to the other provisions in this Act, every person who has attained the age of six years but has not attained the age of 22 years and whose parent is a minority language adult has the right:

(a) to attend a fransaskois school in the francophone education area in which that person's parent who is a minority language adult, or that person's guardian, is resident; and

(b) to receive instruction appropriate to that person's age and level of educational achievement in courses of instruction approved by the conseil scolaire:

(i) in the fransaskois school in the francophone education area; or

(ii) subject to the stated policies, requirements and conditions of the conseil scolaire, in schools or other educational institutions outside the division scolaire francophone with which arrangements have been made by the conseil scolaire to provide certain services to pupils of the francophone education area.

(2) Except as otherwise provided in this Act, the educational services provided pursuant to subsection (1) are to be provided at the cost of the conseil scolaire and no fees for tuition, transportation or any other expenses with respect to attendance at a fransaskois school are to be charged with respect to a pupil whose parent is a minority language adult and whose parent or guardian is a resident in the division scolaire francophone.

(3) Notwithstanding subsection (2), the conseil scolaire may require payment in whole or in part of costs incurred with respect to transportation pertaining to special projects or special equipment or supplies not ordinarily furnished to pupils under the policies of the conseil scolaire.

(4) Subject to the regulations, when a pupil who is resident in one francophone education area, and whose parent is a minority language adult, is accepted by the conseil scolaire to attend a fransaskois school in another francophone education area, no fees for tuition are to be charged with respect to the pupil's attendance at the fransaskois school in the other francophone education area.

(5) Subject to the regulations, if a pupil mentioned in subsection (4) attends a fransaskois school in another francophone education area, the conseil scolaire is not required to provide the pupil with school transportation services or to pay for school transportation services for the pupil.

1995, c.E-0.2, s.143; 1998, c.21, s.59; 2013, c.9, s.12.

Attendance of others at francsaskois school

144 A person who has attained the age of six years but has not yet attained the age of 22 years and whose parent is not a minority language adult may attend a francsaskois school in any francophone education area that exists or becomes established if the attendance of that person at a francsaskois school in the francophone education area is agreed to by:

- (a) the board of education of the school division where the person would otherwise attend school; and
- (b) the conseil scolaire.

1995, c.E-0.2, s.144; 1998, c.21, s.60.

Access to high schools

145(1) Notwithstanding any other provision of this Act, any person who is a resident of a city in which a public school division and a separate school division have been established may declare his or her intention to enrol one or more of his or her children who are eligible to register in Grade 9, 10, 11 or 12 in a school in either the public school division or the separate school division.

(2) A declaration of intention pursuant to subsection (1) is to be given in writing to the boards of education of the school divisions affected prior to June 1 in any year and is effective from the commencement of the next following school year.

(3) Where a declaration of intention is made pursuant to this section, the maker of the declaration is entitled, on behalf of his or her eligible children, to access without tuition to a public high school or a separate high school in the school divisions affected.

(4) Where a board of education has a general attendance area policy, the board of education shall apply that policy equally to pupils attending its high schools as a result of the making of a declaration of intention pursuant to this section.

(5) Notwithstanding subsection 182(3), where a pupil attends a public high school or a separate high school as a result of the making of a declaration of intention pursuant to this section, the pupil shall abide by all policies of the board of education of the school division in which that high school is situated, including any policies relating to religious instruction, religious activities and other programs conducted by the high school.

(6) Where the boards of education of the school divisions affected by a declaration of intention made pursuant to this section consider it expedient, they may:

- (a) enter into fee-for-service agreements to make payments for tuition to recover the cost of services provided to pupils in accordance with this section;
- (b) mutually agree that no charge will be made to recover the cost of services provided to pupils in accordance with this section; or
- (c) where no agreement is made pursuant to clause (a) or (b), charge tuition fees in the amounts prescribed in the regulations, but in no case are those tuition fees to be charged to the pupil or to his parent or guardian.

1995, c.E-0.2, s.145.

Right to special services without charge or fee

146 Except as otherwise provided in this Act, services approved by a board of education or the conseil scolaire with respect to pupils who are eligible for the special educational services mentioned in section 178 or who are otherwise entitled to services of benefit to their general health and well-being, are to be provided without cost to those pupils or their parents or guardians.

1995, c.E-0.2, s.146; 1998, c.21, s.127; 2008, c.11, s.7.

147 Repealed. 1996, c.45, s.8.

Mediation of conflict involving pupil

148 Where a difference or conflict arises in the relationship of a pupil to the school, the parent or guardian, on behalf of that pupil, is entitled to immediate access to procedures established by the board of education or the conseil scolaire for the purposes of investigation and mediation of any differences or conflicts.

1995, c.E-0.2, s.148.

Employment of certain pupils prohibited

149(1) Except as otherwise provided in this Act, no person shall employ a pupil under the age of 16 years during the hours that school is in session, without the approval of the principal.

(2) Repealed. 2013, c.9, s.13.

1995, c.E-0.2, s.149; 2013, c.9, s.13.

DUTIES OF PUPILS

General duties of pupils

150(1) In the exercise of his or her right of access to schools and to the benefits of educational services pursuant to this Part, a pupil shall comply with subsections (2) and (3).

(2) Every pupil shall co-operate fully with all persons employed by the board of education or the conseil scolaire and any other persons who have been lawfully assigned responsibilities and functions with respect to the instructional program of the school or any special or ancillary services that may be provided or approved by the board of education, the conseil scolaire or the ministry.

(3) Every pupil shall:

(a) attend school regularly and punctually;

(b) purchase any supplies and materials not furnished by the board of education or the conseil scolaire that the principal considers necessary for any particular course of instruction;

- (c) observe standards approved by the board of education or the conseil scolaire with respect to:
 - (i) cleanliness and tidiness of person;
 - (ii) general deportment;
 - (iii) obedience;
 - (iv) courtesy; and
 - (v) the rights of other persons;
 - (d) be diligent in his or her studies;
 - (e) conform to the rules of the school approved by the board of education or the conseil scolaire and the conseil d'école; and
 - (f) subject to subsection (4), submit to any discipline that would be exercised by a kind, firm and judicious parent.
- (4) For the purposes of clause (3)(f), discipline must not include the use of any of the following:
- (a) a strap, cane or other physical object;
 - (b) a hand or foot in a manner meant to punish.

1995, c.E-0.2, s.150; 1998, c.21, s.61; 2005, c.11, s.16; 2017, c11, s.66.

Pupil accountable to supervisor

- 151(1)** Every pupil is accountable to the teacher for the pupil's conduct on the school premises during school hours and during those hours that the teacher is in charge of the pupil in class or while engaged in authorized school activities conducted during out-of-school hours.
- (2) Every pupil is accountable to the principal for the pupil's general deportment at any time that the pupil is under the supervision of the school and members of the teaching staff, including the time spent in travelling between the school and the pupil's place of residence.
- (3) Subject to the stated policies of the board of education or the conseil scolaire every pupil is accountable to the driver of a school bus and to any other person appointed by the board of education or the conseil scolaire for the purposes of supervision during hours when pupils are in the personal charge of those employees of the board of education or the conseil scolaire.
- (4) The employees of the board of education or the conseil scolaire mentioned in subsection (3) are accountable to and shall report to the principal in accordance with the procedures approved by the board of education or the conseil scolaire.

1995, c.E-0.2, s.151.

DISCIPLINE

General discipline

152(1) Every pupil is subject to the general discipline of the school.

(1.1) For the purposes of subsection (1), discipline must not include the use of any of the following:

- (a) a strap, cane or other physical object;
- (b) a hand or foot in a manner meant to punish.

(2) Every board of education and the conseil scolaire shall make provisions, which are to be set out in its bylaws or administrative manual, applicable to the schools in its jurisdiction for the expeditious investigation and treatment of problems arising in the relationship between a pupil and the school.

1995, c.E-0.2, s.152; 1998, c.21, s.62; 2005, c.11, s.17.

Referral to committee

153(1) Where one of the situations set out in subsection (2) arises in a manner and to an extent as to affect adversely the pupil's educational development or the well-being of other pupils in the schools, a principal may refer the matter to a committee composed of staff members and consultants for study, diagnosis and any investigation that may contribute to the resolution of the matter.

(2) A committee mentioned in subsection (1) may be set up where, in the opinion of the principal and the staff, a pupil is not complying with the pupil's general duties as set out in section 150 or a situation has developed with respect to the pupil's:

- (a) attendance;
- (b) studies;
- (c) deportment;
- (d) personal relationships in the school; or
- (e) attitude towards the school.

(3) Where a referral is made pursuant to subsection (1), the parent or guardian of the pupil shall be immediately informed by the principal of the circumstances and shall have an opportunity for consultation with the committee in any study or investigation conducted pursuant to this section.

1995, c.E-0.2, s.153.

Suspension

154(1) A principal:

- (a) may suspend a pupil from school for not more than three school days at a time for overt opposition to authority or serious misconduct; and
- (b) where he or she suspends a pupil pursuant to clause (a), shall immediately report the circumstances of the suspension and the action taken to the parent or guardian of that pupil.

(2) A principal may suspend a pupil for a period not exceeding 10 school days where the principal receives information alleging, and is satisfied, that the pupil has:

- (a) persistently displayed overt opposition to authority;
- (b) refused to conform to the rules of the school;
- (c) been irregular in attendance at school;
- (d) habitually neglected his or her duties;
- (e) wilfully destroyed school property;
- (f) used profane or improper language; or
- (g) engaged in any other type of gross misconduct.

(3) Where a principal suspends a pupil pursuant to subsection (2), the principal shall:

- (a) immediately:
 - (i) report the matter to the director or person authorized to act in the director's absence;
 - (ii) notify the parent or guardian of the pupil of the circumstances of the suspension and the action taken; and
 - (iii) inform the pupil of the reason for his or her suspension; and
- (b) as soon as is practicable:
 - (i) prepare a written report of the circumstances of the suspension and provide it to:
 - (A) the director or other person authorized to act in the director's absence; and
 - (B) the parent or guardian of the pupil; and
 - (ii) on the request of either the pupil or his or her parent or guardian, grant a hearing to the pupil and his or her parent or guardian.

(4) The director or person authorized to act in the director's absence shall confirm, reduce or remove the suspension before the expiration of the period of suspension pursuant to subsection (2) and:

- (a) after consultation with the principal and any other persons he or she considers appropriate; and
- (b) after granting a hearing to the pupil and his or her parent or guardian.

(5) After confirming, reducing or removing a suspension pursuant to subsection (4), the director or person authorized to act in the director's absence shall immediately submit a written report to the board of education or the conseil scolaire setting out the circumstances of the suspension.

- (6) Where a board of education or the conseil scolaire chooses to investigate the circumstances of a suspension submitted to it pursuant to subsection (5), the investigation shall be concluded before the period of suspension ordered pursuant to subsection (4) ends.
- (7) A board of education or the conseil scolaire may suspend the pupil from all or any of the schools in the school division or the division scolaire francophone for a period not greater than one year where the board of education or the conseil scolaire:
- (a) has conducted an investigation pursuant to subsection (6); and
 - (b) is satisfied, based on the investigation, that the pupil has acted in a manner that warrants suspension for a period greater than 10 school days.
- (8) Notwithstanding subsections (6) and (7), a board of education or the conseil scolaire may appoint or authorize the director or a person authorized to act in the director's absence to appoint a committee:
- (a) to conduct an investigation pursuant to subsection (6); and
 - (b) to make a decision to suspend pursuant to subsection (7).
- (9) The committee of the board of education or the conseil scolaire mentioned in subsection (8) may be composed of those members of the board of education or the conseil scolaire and officials and consultants that the board of education or the conseil scolaire considers appropriate.
- (10) The committee appointed pursuant to subsection (8) may include:
- (a) the principal; and
 - (b) the director or a person authorized to act in the director's absence.
- (11) Where a committee appointed pursuant to subsection (8) makes a decision to suspend a pupil, that decision:
- (a) is deemed to be a decision of the board of education or the conseil scolaire and has the same force and effect as if it were made by the board of education or the conseil scolaire;
 - (b) shall be reported immediately to the board of education or the conseil scolaire;
 - (c) may be altered, amended or revoked by the board of education or the conseil scolaire at a subsequent meeting of the board of education or the conseil scolaire.
- (12) The pupil and his or her parent or guardian shall be given:
- (a) notice of every investigation pursuant to subsection (6) or (8); and
 - (b) an opportunity to appear and make representations before the board of education, the conseil scolaire or the committee appointed pursuant to subsection (8), as the case may be.
- (13) Where a pupil has been suspended pursuant to subsection (7) or (11):
- (a) at the expiration of any period that the board of education or the conseil scolaire may specify in the resolution suspending the pupil, the pupil and his or her parent or guardian may request the board of education or the conseil scolaire to review and reconsider the suspension of the pupil; and

(b) on receipt of a request pursuant to clause (a) and where the board of education or the conseil scolaire considers it to be appropriate, the board of education or the conseil scolaire may:

- (i) rescind or vary the resolution suspending the pupil; and
- (ii) admit the pupil to a school on those terms and conditions that the board of education or the conseil scolaire considers appropriate.

1995, c.E-0.2, s.154; 1998, c.21, s.63.

Expulsion

155(1) Notwithstanding section 154, a board of education, by resolution, may exclude a pupil from attendance at any or all schools in the school division for a period greater than one year where, in the opinion of the board, it is appropriate to do so based on:

- (a) an investigation conducted pursuant to subsection 154(6); or
- (b) the unanimous report of a committee pursuant to subsection 154(11).

(2) Notwithstanding section 153, the conseil scolaire, by resolution, may exclude a pupil from attendance at any or all schools in the division scolaire francophone for a period greater than one year where, in the opinion of the conseil scolaire, it is appropriate to do so based on:

- (a) an investigation conducted pursuant to subsection 154(6); or
- (b) the unanimous report of a committee pursuant to subsection 154(11).

(3) A pupil who has been expelled, or his or her parent or guardian, may, after the expiration of one year, request a review and reconsideration by the board of education or the conseil scolaire of the status of the pupil.

(4) On a review or reconsideration pursuant to subsection (3), the board of education or the conseil scolaire may, in its discretion, rescind the resolution expelling that pupil and admit him or her to a school under any conditions that it may see fit to prescribe in the circumstances.

1995, c.E-0.2, s.155; 1998, c.21, s.64.

SCHOOL ATTENDANCE

Attendance compulsory

156(1) Except as otherwise provided in this Act, every parent, guardian or other person having charge of a pupil who is of compulsory school age shall take all steps that are necessary to ensure regular attendance of that pupil:

- (a) at the school determined or authorized by the board of education of the school division in which the pupil resides and for the period during which the school is in operation in each year; or
- (b) at the fransaskois school determined or authorized by the conseil scolaire in the francophone education area in which the parent or guardian resides and for the period during which the fransaskois school is in operation each year.

- (2) **Repealed.** 2013, c.9, s.14.
- (3) **Repealed.** 2013, c.9, s.14.
- (4) **Repealed.** 2013, c.9, s.14.
- (5) This section also applies to a person who has received into his or her home, as a resident, another person's child who is of compulsory school age.

1995, c.E-0.2, s.156; 1998, c.21, s.65; 2013, c.9,
s.14.

Exceptions to school attendance

157(1) A pupil may be exempted from attendance at a school where:

- (a) the pupil is under a program of instruction elsewhere with the approval of the board of education or the conseil scolaire;
- (b) the pupil is in attendance at a registered independent school;
- (c) the pupil is receiving instruction in a registered home-based education program;
- (d) the pupil is unable to attend school by reason of:
 - (i) illness, supported by a certificate of a duly qualified medical practitioner if required by the board of education or the conseil scolaire; or
 - (ii) other unavoidable cause considered sufficient by the local attendance counsellor;
- (e) the distance to a school that the pupil is entitled to attend or to a school bus route exceeds four kilometres, as measured by the nearest passable road from the place of residence of the pupil to the school or school bus route, as the case may be;
- (f) the pupil has been suspended or expelled from school;
- (g) the pupil has been excluded from attendance at school pursuant to *The Public Health Act, 1994*;
- (h) the director, after inquiry or investigation, is of the opinion certified in writing, that continued attendance at school is not productive or is detrimental to the pupil or to the school;
- (i) the pupil is engaged in work-experience or other educational programs authorized or approved by the board of education or the conseil scolaire, as the case may be;
- (j) the pupil is absent from school on a holy day of the church or religious denomination of which the pupil or the pupil's parent or guardian is a member;
- (k) the pupil is absent from school with the approval of his or her parent or guardian for the purpose of receiving medical or dental treatment; or
- (l) the pupil is absent from school in order to accompany his or her parent or guardian on an period of extended travel outside the school division or the division scolaire francophone.

(2) Where any extended period of travel mentioned in clause (1)(l) is for more than five school days, the parent or guardian shall:

- (a) inform the principal of the anticipated period of absence from school;
- (b) where the principal considers it appropriate, consult with him or her and any teaching staff that the principal considers appropriate with respect to what measures are to be taken to maintain reasonable continuity in the progress of the pupil in his or her courses of instruction.

(3) While a pupil is accompanying a parent or guardian on an extended period of travel, the parent or guardian is responsible for implementing the measures mentioned in clause (2)(b) to maintain reasonable continuity in the progress of the pupil in his or her courses of instruction.

1995, c.E-0.2, s.157; 1998, c.21, s.66; 2013, c.9, s.15.

Pupils to attend regularly and furnish information

158(1) Every pupil shall attend school regularly and shall promptly provide the principal with any information that may be required, or as may be prescribed in the bylaws of the board of education or the conseil scolaire, with respect to any period of absence from school for which exemptions have not been provided pursuant to section 157 or the bylaws.

(2) Subject to the bylaws of the board of education or the conseil scolaire and except as otherwise provided in this Act, every pupil whose attendance is considered to be irregular pursuant to the policies of the board of education or the conseil scolaire may be suspended pursuant to section 154.

1995, c.E-0.2, s.158.

Attendance counsellor

159(1) Every board of education shall appoint a person or designate a member of its staff to be the local attendance counsellor for the school division.

(2) The conseil scolaire shall appoint a person or designate a member of its staff to be the local attendance counsellor for each francophone education area.

1998, c.21, s.67.

Duties and powers of local attendance counsellor

160(1) Under the supervision of the director, the local attendance counsellor is responsible for:

- (a) the administration within the school division or the francophone education area of the provisions of this Act pertaining to school attendance; and
- (b) for the implementation of the bylaws of the board of education or the conseil scolaire with respect to school attendance.

- (2) Every local attendance counsellor shall:
- (a) conduct investigations with respect to reports and referrals by principals concerning attendance problems in the schools of the school division or the francophone education area;
 - (b) make every reasonable effort to elicit the co-operation of the pupil and his or her parent or guardian in order to resolve the attendance problems of that pupil;
 - (c) report to the principal and to the parent or guardian of a pupil concerning his or her findings on an investigation or inquiry with respect to the attendance of that pupil and the circumstances of a complaint or referral;
 - (d) institute proceedings against a parent, guardian or other person having the charge or control of a pupil, or against any other person, who contravenes any of the provisions of this Act pertaining to school attendance;
 - (e) prepare and submit to the ministry annually, or at any time the minister may require, a report or reports in the prescribed form:
 - (i) of the attendance problems in which legal proceedings were instituted; and
 - (ii) of the general state of school attendance in the school division or the francophone education area.
- (3) For the purposes of clauses (2)(a) and (b), the local attendance counsellor shall consult with and receive the advice and assistance of the teachers, principal, guidance officer, other consultants who may be available within the school division or the francophone education area and other relevant social agencies.
- (4) The parent or guardian of the pupil shall be included in the consultations mentioned in subsection (3) that are directed towards the diagnosis and resolution of the problem.
- (5) For the purposes of this Act, a local attendance counsellor is vested with the powers of a peace officer, and has the authority to enter without a warrant any place, except a dwelling place, where pupils may be employed or congregated.
- (6) Entrance to a dwelling place may only be made on the invitation of the occupant of that dwelling place or pursuant to the authority of a warrant issued pursuant to subsection (7).
- (7) Where a justice of the peace is satisfied, on the oath of a local attendance counsellor, that there are reasonable grounds to suspect that a pupil who is the subject of a complaint or referral for reasons of non-attendance at school may be found in a dwelling place, the justice of the peace may issue a warrant to search that dwelling place and, if the pupil is found, to return the pupil to his or her school or his or her parent or guardian.

(8) Where a local attendance officer finds a pupil who is the subject of a complaint or referral for reasons of non-attendance at school, the local attendance officer shall return the pupil to his or her school or his or her parent or guardian.

(9) A local attendance counsellor is to be given access to the records of the school and of the school division or the conseil scolaire to the extent that those records are necessary for procuring the names, ages and residences of pupils and any other information required for the discharge of his or her responsibilities pursuant to this Act.

1995, c.E-0.2, s.160; 2017, c11, s.66.

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 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.

1995, c.E-0.2, s.161; 2017, c11, s.34.

Offence and penalty

162(1) Repealed. 2013, c.9, s.16.

- (2) No parent, guardian or other person shall:
- (a) neglect or refuse to give to a teacher, principal, director, local attendance counsellor, board of education, conseil scolaire or any person appointed by the ministry any information that is required by this Act to be given with respect to school attendance;
 - (b) give false information;
 - (c) by threat, intimidation or otherwise, prevent or attempt to prevent the attendance in accordance with this Act of a pupil at a school;
 - (d) in any other way, interfere or attempt to interfere with the carrying out of the provisions of this Act pertaining to school attendance; or
 - (e) directly or indirectly, attempt to influence improperly any decision of a teacher, principal, local attendance counsellor or other official of the board of education or the conseil scolaire or of the ministry in the enforcement of any provision of this Act pertaining to school attendance.
- (3) **Repealed.** 2013, c.9, s.16.

1995, c.E-0.2, s.162; 2013, c.9, s.16; 2017, c11, s.66.

OPERATION OF SCHOOLS

School year

- 163(1)** In this section, “**instructional day**” means a day within a school year on which instruction is given to pupils or on which examinations or other educational activities involving pupils are conducted.
- (2) A school year consists of 200 school days, but for any school year the minister may, by order, determine any lesser number of school days that the minister considers advisable.
- (3) Unless the order specifies otherwise, an order made pursuant to subsection (2) remains in effect for subsequent school years until it is repealed.
- (4) Subject to the regulations and to subsections (4.1) to (6), every board of education and the conseil scolaire shall determine:
- (a) the opening date and closing date of its schools;
 - (b) school hours of operation; and
 - (c) the schedule of operation for a school year and for any term, semester or other period of a school year, as the case may be.

(4.1) For any school year in which Labour Day occurs on or after September 5, the minister may, by order, set a date in September that is earlier than Labour Day as the first instructional day for the school year.

(5) In the absence of a minister's order pursuant to subsection (4.1), the earliest day that a board of education or the conseil scolaire may set as the first instructional day in a school year is the first day following Labour Day.

(6) The latest day that a board of education or the conseil scolaire may set as the last instructional day in a school year is June 30.

2012, c.10, s.14; 2015, c.6, s.5.

164 Repealed. 2012, c.10, s.15.

165 Repealed. 2012, c.10, s.15.

166 Repealed. 2012, c.10, s.15.

167 Repealed. 2012, c.10, s.15.

ORGANIZATION AND MANAGEMENT OF SCHOOLS

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.

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.

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.

Recovery of costs

171 Subject to the regulations, where a board of education provides educational services to persons other than those mentioned in section 142, it may recover the costs of those services.

1995, c.E-0.2, s.171.

Recovery of costs by conseil scolaire

172 Subject to the regulations, where a conseil scolaire provides educational services to persons other than those mentioned in section 143, the conseil scolaire may recover the costs of those services.

1995, c.E-0.2, s.172.

Fees for resident persons

173(1) In this section, “**resident**” means a person whose place of residence is inside the boundaries of the school division in which the person seeks or is provided with educational services.

(2) Where a pupil, or a parent or a guardian of a pupil, is a resident of that portion of an Indian reserve that is included in a school division, subsection 142(2) does not apply, and the board of education may charge any tuition fees in the amounts prescribed in an agreement between the board of education and the Indian band or the Government of Canada or, where no agreement exists, any tuition fees in the amounts prescribed in the regulations.

(3) A board of education may charge tuition fees calculated in accordance with the regulations with respect to a pupil where the pupil, or a parent or a guardian of a pupil, is a resident, but where neither the pupil nor a parent of the pupil is:

- (a) a Canadian citizen or permanent resident;
- (b) lawfully admitted to Canada as a temporary resident;
- (c) a refugee or the subject of a refugee claim made in the previous year; or
- (d) a reciprocal exchange student.

1995, c.E-0.2, s.173; 2013, c.9, s.17.

STAFF OF SCHOOLS**Composition of staff of school**

174(1) The staff of each school consists of a principal and any number of teachers that the board of education or the conseil scolaire considers necessary and appropriate to conduct the program of instruction approved by it for each school, and may include any other assistant principals, teaching and supervisory assistants, consultants, educational assistants and support staff that the board or the conseil scolaire may authorize with respect to each school in its jurisdiction.

(2) Notwithstanding subsection (1), in a school in which not more than one teacher is employed, the board of education or the conseil scolaire may designate that teacher to be the principal of the school.

1995, c.E-0.2, s.174; 2008, c.11, s.8.

Duties of principal

175(1) Subject to the stated policies of the board of education or the conseil scolaire and to the regulations, a principal, under the supervision of the director, shall be responsible for the general organization, administration and supervision of the school, its program and professional staff and for administrative functions that pertain to liaison between the school and the board of education or the conseil scolaire and its officials.

- (2) The principal shall:
- (a) organize the program of courses and instruction approved by the board of education or the conseil scolaire for the school;
 - (b) assign, in consultation with members of the staff, the duties of each member of the teaching staff;
 - (c) prescribe the duties and functions of assistants and support staff;
 - (d) exercise general supervision over the work of:
 - (i) all members of his or her staff; and
 - (ii) other employees of the board of education or the conseil scolaire whose duties relate directly to the care and maintenance of the school building and its facilities;
 - (e) exercise general supervision over the well-being and good order of pupils while the pupils are at school or participating in school activities;
 - (f) provide leadership for enhancement of the professional development of staff;
 - (g) co-operate with the universities in programs for the education and training of teachers;
 - (h) conduct, in co-operation with the staff, a continuing program of planning and evaluation with respect to the objectives, curriculum, pedagogy and effectiveness of the instructional program of the school;
 - (i) define and prescribe the standards of the school with respect to the duties of pupils and give direction to members of the staff and to pupils that may be necessary to maintain the good order, harmony and efficiency of the school;
 - (j) administer or cause to be administered any disciplinary measures that are considered proper by him or her and that are consistent with this Act;
 - (k) establish, in consultation with the staff, the procedures and standards to be applied in evaluation of the progress of pupils and in making promotions;
 - (l) develop, in co-operation with the staff, procedures for preparation of reports to parents or guardians on the progress of pupils and establish mutually acceptable and beneficial channels for communication between the school and parents or guardians of pupils;
 - (m) maintain regular liaison with the director with respect to all matters pertaining to the well-being of the school, the staff and the pupils;
 - (n) advise and make recommendations to the director with respect to the staffing of the school;

(o) prepare and furnish to the director, the board of education or the conseil scolaire and the ministry any reports and returns that may be required from time to time with respect to the school; and

(p) exercise leadership in co-operation with the director and the board of education or the conseil scolaire in the promotion of public involvement in educational planning directed towards the improvement of education in the school and in the school division or the francophone education area.

1995, c.E-0.2, s.175; 1997, c.35, s.16; 2017, c11, s.66.

EDUCATIONAL PROGRAM

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.

Approval by board of education

177 The program of studies provided in a school shall be approved by the board of education or the conseil scolaire in consultation with the principal and on the recommendation of the director.

1995, c.E-0.2, s.177; 2006, c.18, s.20.

Pupils with intensive needs

178(1) In this section and sections 178.1 and 370:

“**assessment**” means an evaluation of a pupil’s capacity to learn based on one or more of the following:

- (a) the pupil’s cognitive functioning;
- (b) the pupil’s social-emotional functioning;
- (c) the pupil’s behavioural functioning;
- (d) the pupil’s physical functioning; (« *évaluation* »)

“pupil with intensive needs” means a pupil who has been assessed by a board of education or the conseil scolaire in accordance with this section and the regulations as having a capacity to learn that is compromised by a cognitive, social-emotional, behavioural or physical condition. (« élève à besoins particuliers »)

- (2) For the purposes of this section and subject to the regulations, the minister may establish a guideline respecting assessments for use by boards of education and the conseil scolaire.
- (3) If the minister establishes a guideline pursuant to subsection (2), the minister shall:
 - (a) cause the guideline to be made available to the public in any form or manner that the minister considers appropriate; and
 - (b) take any steps that the minister considers appropriate to bring the guideline, and the manner and form in which it is available, to the attention of the public.
- (4) Subject to subsections (5) to (15), a board of education or the conseil scolaire, as the case may be, shall provide every pupil, within the policies and programs authorized by the board of education or conseil scolaire, with educational services that are consistent with that pupil's educational needs and abilities.
- (5) Subject to subsection (6), if a board of education or the conseil scolaire considers it to be appropriate, the board of education or conseil scolaire may assess whether a pupil registered with it is a pupil with intensive needs.
- (6) In conducting an assessment for the purposes of subsection (5), the board of education or conseil scolaire shall:
 - (a) comply with any requirements prescribed in the regulations; and
 - (b) follow the guideline established by the minister pursuant to subsection (2).
- (7) If a pupil has been assessed in accordance with this section as being a pupil with intensive needs, the teacher or principal of the pupil shall confer with the parent or guardian of the pupil with respect to:
 - (a) the assessment of the pupil; and
 - (b) the educational services that may be required to meet the learning needs of the pupil.
- (8) A board of education or the conseil scolaire, as the case may be, shall provide educational services to pupils with intensive needs in accordance with this section, the regulations and the policies established by the minister.
- (9) A board of education or the conseil scolaire, as the case may be, shall take steps to reasonably accommodate a pupil with intensive needs in the regular program of instruction.

(10) If, after taking the factors listed in subsection (11) into consideration, a board of education or the conseil scolaire determines that the learning needs of a pupil with intensive needs cannot be reasonably accommodated in the regular program of instruction, the board of education or conseil scolaire shall ensure the provision of educational services by means of a special program to meet the learning needs of the pupil.

(11) The following factors are to be considered for the purposes of subsection (10):

- (a) whether or not the pupil is medically fragile;
- (b) whether or not the pupil poses a risk of harm to himself or herself or to others;
- (c) the educational needs of all pupils;
- (d) the cost of providing special educational services to accommodate the pupil in the regular program of instruction.

(12) If a pupil with intensive needs displays behaviour that poses a risk of harm to others within the school and if that behaviour is not caused by the pupil's intensive needs, the pupil may be suspended or expelled in accordance with section 154 or 155, as the case requires.

(13) A board of education or the conseil scolaire may discharge its responsibilities pursuant to subsections (8) to (10) by:

- (a) providing educational services within a school or other facility in its control; or
- (b) entering into agreements with any of the following to provide educational services:
 - (i) another board of education;
 - (ii) in the case of a board of education, the conseil scolaire;
 - (iii) in the case of the conseil scolaire, a board of education;
 - (iv) any person or agency.

(14) If a board of education or the conseil scolaire enters into an agreement pursuant to clause (13)(b), the board of education or conseil scolaire remains responsible for ensuring that the pupil with intensive needs is provided with educational services while the pupil remains registered with the board of education or conseil scolaire.

(15) If a board of education or the conseil scolaire determines that a pupil with intensive needs should be provided with educational services by means of a special program in or outside Saskatchewan, the board of education or conseil scolaire remains responsible for payment of all or a portion of the cost of maintenance, tuition and transportation for, and support of, the pupil in accordance with the regulations.

Reviews re pupils with intensive needs

178.1(1) The parent or guardian of a pupil may request that the principal of the pupil review the matter if the parent or guardian of the pupil disagrees with the board of education or the conseil scolaire with which the pupil is registered with respect to any of the following:

- (a) the results of an assessment conducted pursuant to subsection 178(5);
- (b) a failure to conduct an assessment of a pupil to determine if the pupil is a pupil with intensive needs;
- (c) the educational services provided pursuant to section 178 to a pupil with intensive needs.

(2) If a request pursuant to subsection (1) has been received by the principal of the pupil, the principal shall review the matter in consultation with the parent or guardian of the pupil to resolve the matter.

(3) If the parent or guardian of the pupil and the principal of the pupil fail to resolve the matter in consultation with one another pursuant to subsection (2), the parent or guardian of the pupil may request that the board of education or conseil scolaire review the matter.

(4) If a request has been received pursuant to subsection (3), the board of education or conseil scolaire, as the case may be, shall cause a review to be conducted within 30 days after receipt of the request.

(5) The review of a matter pursuant to subsection (4) shall be conducted by a person or persons who:

(a) did not participate in any of the following matters that is the subject of the review:

- (i) an assessment conducted pursuant to subsection 178(5);
- (ii) the decision not to conduct an assessment;
- (iii) the decision respecting the educational services to be provided pursuant to section 178 to a pupil with intensive needs; and

(b) is or are acceptable to:

- (i) the board of education or conseil scolaire; and
- (ii) the parent or guardian of the pupil.

(6) Every board of education and the conseil scolaire shall have written policies and procedures for undertaking reviews pursuant to this section that are not inconsistent with the regulations or any policies that may be established by the minister.

(7) The person or persons conducting a review pursuant to subsection (5) shall provide a written report, within 30 days after completion of the review, to:

- (a) the parent or guardian of the pupil; and
- (b) the board of education or conseil scolaire, as the case may be.

Co-curricular programs

179 A board of education or the conseil scolaire may authorize the organization of cultural and athletic activities, youth travel, outdoor education and similar activities as features of the educational program of the schools.

1995, c.E-0.2, s.179; 1998, c.21, s.127.

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 minister shall designate schools in which French is the principal language of instruction in a designated program.

(4) French is the language of instruction in francsaskois 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; 2017, c11, s.40.

Minority language instruction program

181(1) Any minority language adult who is not a resident in the division scolaire francophone and who is the parent of a child who has not yet attained the age of 22 years may apply to the conseil scolaire, in the manner required by the conseil scolaire, for the provision of a minority language instruction program for that child.

(2) Where a request is received pursuant to subsection (1), the conseil scolaire shall consider the following factors in determining whether to offer the minority language instruction program requested:

- (a) whether the appropriate services, in pedagogical terms, can be offered;
- (b) whether there is an existing francsaskois school or schools in close proximity that could meet the needs of the students;
- (c) whether there is a demand for francophone education in the area where the minority language adult resides;

- (d) whether there is an indicated interest among other minority language adults, who each have one or more children not yet 22 years of age, in the area who would take advantage of the service;
- (e) whether the distances over which the students would be required to be transported are reasonable;
- (f) whether physical facilities may be made available;
- (g) whether the cost of the requested services is reasonable;
- (h) whether there is sufficient demand in the area to justify:
 - (i) the alteration of the attendance area boundaries;
 - (ii) the establishment of a francophone education area; or
 - (iii) the expansion of the division scolaire francophone;
- (i) whether there is any reason, based on any factor or consideration that the conseil scolaire deems appropriate, not to provide the minority language instruction program requested.

1998, c.21, s.76.

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.

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.

Citizenship education

184(1) Subject to the regulations, every school shall provide for the display of the flag of Canada outside and inside the school building.

(2) Every school shall make provision for any instruction in Canadian citizenship and participation in patriotic observances and exercises that may be considered appropriate by the board of education or the conseil scolaire and the staff of the school, in accordance with the curriculum guidelines issued by the ministry.

1995, c.E-0.2, s.184; 2017, c11, s.66.

Vocational education

185(1) Subject to the regulations, courses of vocational education and occupational training may be provided where it is considered advisable by the board of education or the conseil scolaire.

(2) A board of education or the conseil scolaire may enter into agreements with a regional college established or continued pursuant to *The Regional Colleges Act* or with the Saskatchewan Polytechnic for the development and provision of vocational, industrial and occupational training courses for youth.

1995, c.E-0.2, s.185; 1998, c.21, s.127; 2015, c.28, s.2.

186 Repealed. 2008, c.11, s.10.

186.1 Repealed. 2008, c.11, s.10.

Gifted pupils

187 Where the ordinary programs of instruction of the school are considered by the board of education or the conseil scolaire to be insufficient to meet the educational needs of certain pupils of superior natural ability or exceptional talent, the board of education or the conseil scolaire may make provision for any special programs that it considers feasible and appropriate.

1995, c.E-0.2, s.187.

Physical education

188 Every school shall make provision for instruction and activities to promote the good health and physical fitness of its pupils and may extend those provisions to include participation in programs of athletic and amateur sport organized on local, regional, provincial, national and international bases.

1995, c.E-0.2, s.188.

Driver education

189 Subject to the regulations, every school division and the conseil scolaire shall make provision for education and training in the elements of safety and competence in the operation of motor vehicles, for pupils who are eligible.

1998, c.21, s.80.

HEALTH AND WELFARE OF PUPILS**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 Ministry of Health or any agency of that ministry 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 ministry and the Ministry 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; 2017, c11, s.43.

Guidance and counselling services

191(1) A board of education or the conseil scolaire may employ one or more teachers qualified in guidance counselling to provide:

- (a) specialized services to pupils; and
- (b) any counselling that will enable the pupils to plan, select and pursue studies for their educational and vocational advancement.

(2) A board of education or the conseil scolaire may employ specialized personnel to provide psychological and related services considered by the board or the conseil scolaire to be necessary to the growth, development and general well-being of pupils as individuals and in their educational advancement.

1995, c.E-0.2, s.191; 1998, c.21, s.127.

Liaison with social agencies

192 A board of education or a conseil scolaire may enter into arrangements with other ministries 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; 2017, c11, s.44.

Explosives and firearms prohibited

193(1) No pupil shall bring explosives, firearms or other dangerous instruments, weapons or materials to the school premises.

(2) No person shall allow a pupil to bring explosives, firearms or other dangerous instruments, weapons or materials to the school premises.

(3) **Repealed.** 2013, c.9, s.18.

1997, c.35, s.18; 2013, c.9, s.18.

Board to provide transportation to certain pupils

194(1) Any transportation services that are provided by a board of education to and from schools of the school division for pupils or for children attending kindergarten or prekindergarten programs at those schools shall be provided at the cost of the board of education.

(2) Any transportation services that are provided by the conseil scolaire to and from francsaskois schools for pupils or for children attending kindergarten or prekindergarten programs at francsaskois schools 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; 2017, c11, s.45.

Provision of services

195 A board of education or the conseil scolaire may:

(a) for the purposes of transporting pupils to and from school, purchase or lease vehicles and employ any persons that may be required for the operation and maintenance of those vehicles; or

(b) if it is considered advisable, enter into one or more contracts for the provision of transportation services to pupils who attend the schools of the school division or the division scolaire francophone.

1998, c.21, s.83.

Administration and supervision of transportation services

196 A board of education or the conseil scolaire shall:

(a) determine the transportation routes applicable to schools of the school division or the francophone education area, as the case may be, and specify the terms and conditions under which transportation services are provided to pupils;

(b) establish policies governing the use of school transportation vehicles, procedures with respect to the operation of those vehicles and general supervision of employees or other persons to whom responsibilities have been assigned in connection with the operation and maintenance of those vehicles, the safety and orderly conduct of pupils, and the general efficiency in the maintenance of regularity of services;

(c) ensure that all laws and any regulations with respect to vehicle design, periodic inspection of vehicles and qualifications and conditions pertaining to the licensing of vehicle operators are adhered to and strictly applied; and

(d) insure and keep insured all school transportation vehicles and related equipment and facilities vested in or owned by the board of education or the conseil scolaire.

1995, c.E-0.2, s.196; 1998, c.21, s.84.

Reports respecting school transportation

197 A board of education or the conseil scolaire shall prepare and furnish to the minister any reports and information with respect to school transportation that the minister may require.

1998, c.21, s.85.

PART V

Teachers

EMPLOYMENT OF TEACHERS

Teacher's certificate required

198(1) No person shall be engaged, appointed, employed or retained as a teacher or principal in any school unless that person holds a valid teacher's certificate.

(2) Subsection (1) does not apply with respect to:

(a) a student teacher working under the supervision of a teacher; or

(b) a person employed or retained pursuant to a temporary teaching permit as defined in *The Registered Teachers Act*.

2015, c.18, s.2.

Appointment or dismissal of teacher

199 A teacher may only be engaged or dismissed pursuant to the authority of a resolution of the board of education or the conseil scolaire passed at a meeting of the board of education or the conseil scolaire.

1995, c.E-0.2, s.199.

Contract of employment

200(1) For the purposes of this section:

- (a) an offer, an acceptance or a notice of confirmation must be in writing, in the prescribed form, and may be sent by ordinary mail, registered mail or by fax or other electronic transmission, or may be delivered personally; and
 - (b) the date of an offer, an acceptance or a notice of confirmation:
 - (i) if sent by ordinary mail or delivered personally, is the date of receipt by the addressee;
 - (ii) if sent by registered mail or by fax or other electronic transmission, is the date it is sent.
- (2) Subject to subsections (3) to (12), a teacher is deemed to have entered into a contract of employment with a board of education or the conseil scolaire where the board of education or the conseil scolaire makes an offer of employment and the teacher accepts that offer on or before the fourth day following the date of the offer.
- (3) When accepting the offer, the teacher shall give the following information to the board of education or the conseil scolaire, as the case may be, based on the valid teacher's certificate then held by the teacher:
- (a) the certificate number;
 - (b) the certificate type;
 - (c) the teacher's salary classification.
- (4) Where a teacher accepts an offer of employment on or before the fourth day following the date of the offer, the board of education or the conseil scolaire shall immediately give the teacher notice of confirmation of the contract.
- (5) If the teacher declines the offer of employment within the four days following the date of the offer, the board of education or the conseil scolaire is released from any obligation with respect to that offer.
- (6) Subject to subsection (7), if the teacher accepts the offer after the fourth day following the date of the offer, no contract of employment exists.
- (7) If the teacher accepts the offer after the fourth day following the date of the offer, the board of education or the conseil scolaire may, within four days following the date of the acceptance, give the teacher notice of confirmation that the teacher is under contract on and from the day of the notice of confirmation.
- (8) Where the purpose of a contract of employment is to engage the services of a temporary teacher or replacement teacher, the offer of employment, the acceptance and the notice of confirmation of the contract must be endorsed to define the specific period of employment under the contract.

(9) If, on or before May 31, the leave of absence of a teacher for whom a replacement teacher is employed is renewed or otherwise extended for another complete academic year, that replacement teacher:

(a) has a right of first refusal to replace the absent teacher for that academic year; and

(b) is deemed to have been employed under an indefinite contract pursuant to subsection 202(1) from the day the replacement teacher was retained for the first academic year by the board of education or conseil scolaire.

(10) Where a teacher is hired by a board of education or the conseil scolaire as a replacement teacher, that teacher is deemed to be employed under an indefinite contract pursuant to subsection 202(1) from the date that the teacher is hired, if:

(a) subsection (9) does not apply; and

(b) the teacher has previously been employed as a replacement teacher by that board of education or the conseil scolaire.

(11) The period of time during which a teacher is employed as a replacement teacher is to be credited in any computation pursuant to subclauses 216(3)(b)(i), (ii) and (iii).

(12) For the purposes of this Act, the offer, acceptance and notice of confirmation mentioned in this section constitute a contract of employment of a teacher by the board of education or the conseil scolaire.

1996, c.45, s.9 and 10; 1998, c.21, s.86 and 127;
2015, c.18, s.2.

Delegation of functions of board of education or conseil scolaire

201 A board of education or the conseil scolaire may, by resolution, delegate its functions pursuant to section 200 to a committee of the board of education or the conseil scolaire or to a committee composed of a member of the board or the conseil scolaire, the director, other officials or any of them.

1995, c.E-0.2, s.201; 1998, c.21, s.127.

Continuation of contract

202(1) Except as provided in subsection (2), a contract of employment pursuant to section 200 continues in force from year to year unless it is terminated in accordance with this Act or the person's teacher's certificate is suspended or cancelled.

(2) Every contract of employment entered into by a board of education or a conseil scolaire, as the case may be, and a teacher and subsisting on the day of the coming into force of this Act continues in force and effect until it is terminated in accordance with this Act.

(3) No transfer of a teacher by the board of education or the conseil scolaire from one teaching position to another teaching position in the same or another school in the school division or the division scolaire francophone is to be deemed to be a termination of the contract with the teacher.

1995, c.E-0.2, s.202; 1998, c.21, s.87; 2015, c.18,

s.2.

Employment status of teachers on establishment of school division

203(1) On the establishment of a school division pursuant to section 41, all existing contractual obligations with respect to teachers employed under contract on the date of that establishment for, and in schools included in, the newly established school division are continued and assumed by the board of education of that school division.

(2) For the purposes of employment, salary and salary increments and other benefits and entitlements, each teacher employed pursuant to subsection (1) is deemed to have been in the employ of that board of education from the day on which the teacher entered into a contract of employment in a school district established pursuant to *The School Act*, in a school unit established pursuant to *The Larger School Units Act* or in a school division that is included in the school division being established.

(3) Prior to the conclusion of collective bargaining pursuant to sections 235 to 269 for a local agreement for a new school division, the local agreement that applied to a teacher mentioned in subsection (1) on the day before the establishment of the school division continues to apply to that teacher.

1995, c.E-0.2, s.203; 1997, c.35, s.19.

Employment status of teachers on transfer

204 Section 203 applies, with any necessary modification, to a teacher who is employed in a school situated in a portion of a school division that is transferred to another school division.

1997, c.35, s.20.

Status of teachers in schools transferred to conseil scolaire

205 A teacher employed in a school previously operated by a board of education that becomes a fransaskois school and is transferred to the jurisdiction of the conseil scolaire may:

- (a) terminate his or her contract of employment with the board of education in accordance with this Act and seek a contract of employment with the conseil scolaire through regular staffing procedures; or
- (b) accept a leave of absence from the board of education for up to two years in accordance with any terms and conditions that may be negotiated between the teacher, the board of education and the conseil scolaire.

1995, c.E-0.2, s.205; 1997, c.35, s.21; 1998, c.21, s.127.

Effect of transfer

206(1) If all of the teachers agree who are employed in a school operated by a board of education that becomes a fransaskois school and is transferred to the conseil scolaire, for the purposes of employment, salary, salary increments, benefits and other entitlements, with the approval of that board of education and the conseil scolaire, each of those teachers is deemed to have been employed by the conseil scolaire from the day on which he or she entered into a contract of employment with the board of education from which the transfer is made.

(2) If the board of education, the teachers and the conseil scolaire mentioned in subsection (1) agree, the collective bargaining agreement negotiated pursuant to section 231 that is in effect in the school division from which the transfer occurs applies to the teachers mentioned in subsection (1) until the expiry date of that collective bargaining agreement.

1995, c.E-0.2, s.206; 1998, c.21, s.88; 2005, c.11, s.19.

Teacher employed by joint board

207 A teacher employed by a joint board is deemed to have been employed by that joint board for any period prior to the establishment of the joint board during which he or she was employed by any board of education that is a party to the establishment of the joint board.

1995, c.E-0.2, s.207.

Entitlement of teacher in case of certain irregularities

208 Notwithstanding section 199, no insufficiency of notice of or other irregularity in calling a meeting of the board of education or the conseil scolaire at which a teacher is engaged, irregularity in the proceedings at the meeting, or neglect or failure of the board or the conseil scolaire to comply with any provision of section 198, disentitles the teacher to recover any salary or remuneration due to him or her.

1995, c.E-0.2, s.208.

General terms of employment

209(1) The applicable provisions of this Act and of the regulations are deemed to be terms of employment under a contract of employment between a teacher and a board of education or the conseil scolaire.

(2) Any ancillary conditions of employment are to be given effect where they are incorporated in a collective bargaining agreement.

1995, c.E-0.2, s.209; 1998, c.21, s.127.

Reasons for termination or suspension

209.01 If a teacher's contract of employment is terminated or suspended, the employer's reasons for the termination or suspension, as the case may be, may include:

- (a) professional incompetence within the meaning of *The Registered Teachers Act*;
- (b) professional misconduct within the meaning of *The Registered Teachers Act*;
- (c) neglect of duty; or
- (d) any other cause that, in the opinion of the teacher's employer, renders the teacher unsuitable for continued teaching service in the position held by that teacher at the time of the termination or suspension.

2015, c.18, s.2.

EMPLOYER'S DUTY TO REPORT

209.1 Repealed. 2015, c.18, s.2.

209.2 Repealed. 2015, c.18, s.2.

PROFESSIONAL INCOMPETENCE AND
PROFESSIONAL MISCONDUCT

209.3 Repealed. 2015, c.18, s.2.

209.4 Repealed. 2015, c.18, s.2.

209.5 Repealed. 2015, c.18, s.2.

REGISTER OF TEACHERS

209.6 Repealed. 2015, c.18, s.2.

TERMINATION OF CONTRACTS OF TEACHERS

Termination of contract by board of education

210(1) A board of education or the conseil scolaire may:

(a) without notice, suspend or dismiss a teacher and terminate the contract of that teacher for gross misconduct, neglect of duty or refusing or neglecting to obey any lawful order of the board of education or the conseil scolaire;

(b) notwithstanding any other provision of this Act, terminate its contract of employment with the teacher by providing the teacher with a notice of termination in the prescribed form by registered mail not less than 30 days prior to the day on which the termination is effective where a teacher is employed in a teaching position that is no longer considered by the board of education or the conseil scolaire to be necessary for the teaching requirements or educational programs of the school division or the division scolaire francophone;

(c) terminate its contract of employment with a teacher, where the termination is to be effective on June 30 in any year, by sending to the teacher by registered mail, not later than May 31 in that year, a notice of termination in the prescribed form; or

(d) terminate its contract of employment with a teacher, where the termination is to be effective on a date other than June 30 in any year, by sending to the teacher by registered mail, not less than 30 days prior to the day on which the termination is effective, a notice of termination in the prescribed form.

(2) Where a teacher whose contract is terminated pursuant to clause (1)(a) requests, in writing, written notification of the termination, the board of education or the conseil scolaire shall provide the teacher with that notice within five days of the termination.

(3) A notice of termination sent pursuant to this section must set out the reason or reasons for the termination.

Termination of contract by teacher

211(1) A teacher may terminate a contract of employment with a board of education or the conseil scolaire:

- (a) where the termination is to be effective on June 30 in any year, by sending to the board of education or the conseil scolaire by registered mail, not later than May 31 in that year, a notice of termination;
- (b) where the termination is to be effective on a date other than June 30 in any year, by sending to the board of education or the conseil scolaire by registered mail, not less than 30 days prior to the day on which the termination is to take effect, a notice of termination.

(2) A notice of termination pursuant to this section must set out the reason or reasons for the termination.

1995, c.E-0.2, s.211; 1998, c.21, s.90.

Termination by mutual consent

212(1) A contract of employment between a board of education and a teacher may be terminated at any time after receipt of notice of confirmation of the contract by mutual agreement in writing between the board of education and the teacher and, in that case, the teacher and the boards of education are released from any obligation implicit in the contract or pursuant to this Act.

(2) A contract of employment between the conseil scolaire and a teacher may be terminated at any time after receipt of notice of confirmation of the contract by mutual agreement in writing between the conseil scolaire and the teacher and, in that case, the teacher and the conseil scolaire are released from any obligation implicit in the contract or pursuant to this Act.

(3) The board of education or the conseil scolaire, as the case may be, shall notify the Saskatchewan Professional Teachers Regulatory Board in accordance with section 35 of *The Registered Teachers Act* if:

- (a) the board of education or the conseil scolaire reasonably believes a teacher is guilty of professional incompetence or professional misconduct that may relate to the suitability of the teacher to hold a teacher's certificate; and
- (b) the board of education or the conseil scolaire and the teacher have agreed to terminate the teacher's contract of employment in accordance with subsection (1) or (2).

1995, c.E-0.2, s.212; 1996, c.45, s.11; 1998, c.21, s.127; 2009, c.13, s.24; 2015, c.18, s.2.

Right of teacher to hearing with board or conseil scolaire

213(1) A notice of termination given pursuant to section 210 must state that the teacher may apply, at any time within 10 days after the day of receipt of the notice, to the board of education or the conseil scolaire for an opportunity to attend at a meeting of the board of education or the conseil scolaire to show cause why the contract should not be terminated.

(2) The board of education or the conseil scolaire shall make provision for the teacher to attend a meeting of the board of education or the conseil scolaire where a teacher makes a request to do so pursuant to subsection (1).

1995, c.E-0.2, s.213.

214 Repealed. 2009, c.13, s.25.**Change in employment status**

215(1) Where a contract of employment between a board of education or the conseil scolaire and a teacher includes duties as a principal, assistant principal, vice-principal, supervisor or consultant, the board of education or the conseil scolaire may give notice of its intention to amend the contract to exclude those duties, but no amendment is to be deemed to alter the employment status of that teacher in any other respect.

(2) Any notice given by the board of education or the conseil scolaire pursuant to subsection (1) must be given in accordance with clause 210(1)(b), (c) or (d).

(3) A notice of intention given by the board of education or the conseil scolaire pursuant to subsection (1) must state that the principal, assistant principal, vice-principal, supervisor or consultant may apply, at any time within 10 days after receipt of the notice, to the board of education or the conseil scolaire for an opportunity to attend at a meeting of the board or the conseil scolaire to show cause why the contract of employment should not be amended.

(4) The board of education or the conseil scolaire mentioned in subsection (3) shall make provision for the attendance of the individual mentioned in subsection (3) at the next regular or special meeting where the matter is discussed.

1995, c.E-0.2, s.215; 1998, c.21, s.127.

APPEALS ON TERMINATION OF CONTRACT OR DISCIPLINARY ACTION**Appeal on termination by board**

216(1) Subject to subsections (2) and (3), where a notice of termination is given pursuant to section 210, the teacher may apply, within 20 days from the date of the postmaster's receipt for the envelope containing the notice of termination, to the minister for an investigation of the termination by a board of reference mentioned in section 218.

(2) Where an application is made pursuant to subsection (1), the teacher shall notify the board of education or the conseil scolaire of the application.

(3) Where a notice of termination is given pursuant to clause 210(1)(c), subsection (1) does not apply in the case of a teacher:

- (a) **Repealed.** 2009, c.13, s.26.
- (b) who has not been employed as a teacher by the board of education or the conseil scolaire, as the case may be:
 - (i) for at least two complete academic years;
 - (ii) for at least four complete and consecutive terms; or
 - (iii) during a period with respect to which he or she has received the equivalent of two years' salary in accordance with this Act.

(4) Nothing in this section applies to a case mentioned in subsection 215(1).

1995, c.E-0.2, s.216; 1996, c.45, s.12.

Appeal on termination by teacher

217(1) Where a notice of termination is given pursuant to clause 211(1)(b), the board of education or the conseil scolaire that received the notice may apply, within 15 days from the date of the postmaster's receipt for the envelope containing the notice of termination, to the minister for an investigation of the termination by a board of reference mentioned in section 218.

(2) Where an application is made pursuant to subsection (1), the board of education or the conseil scolaire shall notify the teacher of the application.

1995, c.E-0.2, s.217.

Appeal on disciplinary action

217.1(1) Where a teacher is suspended by or receives a formal reprimand from a board of education or the conseil scolaire, the teacher may apply to the minister, within 20 days after the date on which the teacher receives notice of the suspension or formal reprimand, for an investigation of the suspension or formal reprimand.

(2) Where an application is made pursuant to subsection (1), the teacher shall notify the board of education or the conseil scolaire of the application.

2001, c.13, s.3.

BOARD OF REFERENCE

Board of reference constituted

218(1) On receipt from a teacher or a board of education or the conseil scolaire of an application pursuant to section 216 or 217 for an investigation of the termination of a contract of employment, or on receipt from a teacher of an application pursuant to section 217.1 for an investigation of a suspension or formal reprimand, the minister shall appoint a board of reference consisting of:

- (a) one person nominated by the teacher;
- (b) one person nominated by the board of education or the conseil scolaire; and
- (c) one person to act as the chairperson, to be nominated jointly by the persons nominated pursuant to clauses (a) and (b).

(2) Nominations made pursuant to subsection (1) must be made to the minister within 10 days after the receipt by the minister of the application for an investigation.

(3) Where no joint nomination is received by the minister pursuant to clause (1)(c) within the 10-day period mentioned in subsection (2), the minister shall notify a judge of Court of Queen's Bench, who shall, within five days of the notification, nominate a person to be chairperson of the board of reference.

(4) Notwithstanding subsections (1) and (2), where the teacher or the board of education or the conseil scolaire fails to nominate a person to the board of reference within the time prescribed in subsection (2), the minister may appoint a person to the board of reference as a representative of the teacher or the board of education or the conseil scolaire.

(5) A member of the board of education or the conseil scolaire that is a party to the investigation may not be nominated pursuant to this section.

(6) The persons nominated pursuant to subsection (1), in addition to any person who may be nominated pursuant to subsection (3), constitute the board of reference.

1995, c.E-0.2, s.218; 1998, c.21, s.92; 2001, c.13, s.4.

Investigation by board of reference

219(1) The board of reference shall hold an investigation and make its decision within 30 days after the appointment of the chairperson.

(2) The chairperson of the board of reference shall give at least 10 clear days' notice to each party of the time and place of the investigation.

1995, c.E-0.2, s.219.

Counsel

220 The teacher and the board of education or the conseil scolaire may be represented by counsel at the investigation.

1995, c.E-0.2, s.220.

Scope of investigation

221 The scope of the investigation and the findings of the board of reference are to be limited to the reasons given in the written notice of termination of the contract of employment, in the notice of the suspension or in the formal reprimand, as the case may be.

1995, c.E-0.2, s.221; 2001, c.13, s.5.

Witnesses and evidence

222(1) For the purposes of procuring the attendance of a person as a witness, the board of reference may serve that person with a notice requiring that person to attend before the board of reference.

(2) The notice mentioned in subsection (1) shall be served in the same manner, and has the same effect, as a subpoena requiring the attendance of a witness and the production by the witness of documents at the trial of an action.

(3) Notwithstanding subsections (1) and (2), no person shall be required pursuant to any notice to produce any document that he or she could not be compelled to produce at the trial of an action in a court of law.

(4) The board of reference may take evidence under oath.

(5) Every member of a board of reference has the power to administer oaths to persons appearing as witnesses at the investigation.

1995, c.E-0.2, s.222.

Record of proceedings

223 The board of reference shall make provision for and keep any record of the proceedings of the investigation that it may consider necessary.

1995, c.E-0.2, s.223.

Questions decided by majority vote

224(1) All questions brought before the board of reference are to be decided by a majority vote of its members.

(2) The chairperson has a right to vote, and in the case of an equality of votes the chairperson has the deciding vote.

1995, c.E-0.2, s.224.

Powers of board of reference

225(1) Where a board of reference is established on an application pursuant to section 216 or 217, the board of reference may:

- (a) confirm the termination of the contract of employment;
- (b) order the continuation of the contract of employment;
- (c) make any additional order or recommendation with respect to any matter incidental to an order made pursuant to clause (a) or (b); or
- (d) where the board of education or the conseil scolaire and the teacher, at any time prior to or during the investigation, agree in writing to a mutually acceptable disposition of the matter, make an order confirming that disposition.

(1.1) Where a board of reference is established on an application pursuant to section 217.1, the board of reference may make any of the following orders:

- (a) an order confirming the suspension or formal reprimand;
- (b) an order requiring the withdrawal of the suspension or formal reprimand;
- (c) an order substituting any suspension or formal reprimand that the board of reference considers appropriate in the circumstances;
- (d) an order respecting any matter incidental to an order made pursuant to clause (a), (b) or (c);
- (e) where, at any time before or during the investigation, the board of education or the conseil scolaire and the teacher agree in writing to the disposition of the matter, an order confirming that disposition.

(2) The chairperson of the board of reference shall forward a copy of its findings and decision to the minister and to the parties to the investigation.

1995, c.E-0.2, s.225; 2001, c.13, s.6.

Decision of board of reference binding

226(1) The decision of the board of reference is final and any order given pursuant to section 225 is binding on the parties to the investigation.

(2) Nothing in this section is deemed to limit or abridge any right conferred on a minority of electors pursuant to section 357.

(3) A board of reference has full power to determine any question of fact necessary to its jurisdiction, but, notwithstanding subsection (1), either party to an investigation may make an application to the Court of Queen's Bench for an order to set aside the decision of the board of reference on the grounds that:

- (a) there is an error of law on the face of the record;
- (b) the board of reference lacked jurisdiction to hear the matter; or
- (c) the board of reference exceeded its jurisdiction.

(4) An application mentioned in subsection (3) is to be by notice of motion to be served on the other party to the investigation within 10 days from the day on which the decision is filed pursuant to section 227, and at least 10 days before the day fixed for the hearing of the application.

1995, c.E-0.2, s.226.

Decision enforceable as Queen's Bench judgment

227(1) The chairperson of the board of reference shall file a certified copy of the decision of the board of reference pursuant to section 225 in the office of a local registrar of the Court of Queen's Bench within 14 days after the decision is made.

(2) Unless an application is made to the Court of Queen's Bench pursuant to section 226, the decision, on filing, is enforceable as a judgment or order of that court in the same manner as any other judgment or order of that court.

1995, c.E-0.2, s.227.

Expenses of investigation

228(1) The Lieutenant Governor in Council shall determine:

- (a) the expenses incurred by the board of reference in the discharge of its duties; and
- (b) the per diem allowances, travelling and other expenses of the chairperson of the board of reference.

(2) Each party to the investigation is liable for the payment of all expenses incurred by him or her or by his or her representative in connection with that investigation.

1995, c.E-0.2, s.228.

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(1)(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; 2017, c.11, s.46.

The Arbitration Act, 1992 not applicable

230 *The Arbitration Act, 1992* does not apply to any investigation conducted pursuant to sections 216 to 229.

1995, c.E-0.2, s.230.

PROFESSIONAL CONDUCT COMMITTEE

230.1 Repealed. 2015, c.18, s.2.

230.2 Repealed. 2015, c.18, s.2.

230.3 Repealed. 2015, c.18, s.2.

230.4 Repealed. 2015, c.18, s.2.

230.5 Repealed. 2015, c.18, s.2.

230.6 Repealed. 2015, c.18, s.2.

230.7 Repealed. 2015, c.18, s.2.

230.8 Repealed. 2015, c.18, s.2.

230.9 Repealed. 2015, c.18, s.2.

230.91 Repealed. 2015, c.18, s.2.

230.92 Repealed. 2015, c.18, s.2.

230.93 Repealed. 2015, c.18, s.2.

FUNCTIONS AND DUTIES OF TEACHERS

General duties of teachers

231(1) A teacher is responsible, in co-operation with staff colleagues and administrative authorities, for:

- (a) advancing the educational standards and efficiency of the school;
 - (b) participating in educational planning by the staff and the board of education or the conseil scolaire; and
 - (c) advancing his or her personal professional competence.
- (2) A teacher shall:
- (a) diligently and faithfully teach the pupils in the educational program assigned by the principal;
 - (b) plan and organize the learning activities of the class with due regard for the individual differences and needs of the pupils;
 - (c) co-operate with colleagues and associates in program development and teaching activities pertaining to the class and individual pupils;
 - (d) maintain, in co-operation with colleagues and with the principal, good order and general discipline in the classroom and on school premises;
 - (e) conduct and manage assigned functions in the instructional program in accordance with the educational policies of the board of education or the conseil scolaire and the applicable regulations;
 - (f) keep a record of attendance of the pupils for statistical purposes in the form that the ministry may prescribe or in any other form that may be recommended by the principal and approved by the minister;
 - (g) report regularly, in accordance with policies of the school approved by the board of education or the conseil scolaire to the parent or guardian of each pupil with respect to progress and any circumstances or conditions that may be of mutual interest and concern to the teacher and the parent or guardian;
 - (h) participate, under the leadership of the principal, in developing co-operation and co-ordination of effort and activities of members of the staff in accomplishing the objectives of the school;

- (i) exclude any pupil from the class for overt opposition to the teacher's authority or other gross misconduct and, by the conclusion of that day, report in writing to the principal the circumstances of that exclusion;
- (j) furnish, on request, to the board of education or the conseil scolaire, the director, the principal or the minister, any data or information in the teacher's possession respecting anything connected with the operation of the school or in any way affecting its interests or well-being;
- (k) deliver up any school records or other school property or property of the school division or conseil scolaire in the teacher's possession when leaving the employment of the board of education or the conseil scolaire or when requested in writing by the board of education or the conseil scolaire to do so;
- (l) exclude from the teacher's classroom any pupil suspected to be suffering from, or of being convalescent from or in contact with, a communicable disease and immediately report that exclusion to the principal who shall give notification of the exclusion and the reasons for it to the medical health officer;
- (m) re-admit to the classroom, on production of a written certificate from the medical health officer, any pupil who has been excluded pursuant to clause (l);
- (n) co-operate with the colleges of education of the universities in the education and training of teachers in accordance with the regulations and any policies of the board of education or the conseil scolaire with respect to access to the school and its facilities for that purpose;
- (o) attend regularly all meetings of the staff convened by the principal or the director;
- (p) advance or promote pupils in their work in accordance with the promotion policies of the school and under the general supervision of the principal; and
- (q) co-operate with supervisors, consultants and other personnel, and undertake personal initiatives in activities intended or designed to enhance in-service professional growth and the development of professional competence and status.

1995, c.E-0.2, s.231; 2017, c11, s.66.

Immunity from liability

232(1) Where a board of education, the conseil scolaire, a principal or a teacher approves or sponsors activities during school hours or at other times on school premises or elsewhere, no teacher, principal or other person responsible for the conduct of the pupils is liable for damage caused by pupils to property or for personal injury suffered by pupils during those activities.

(2) No teacher engaged, under the supervision of the principal, in innovative or experimental projects related to teaching methodology or curriculum content that is approved by the board of education or the conseil scolaire shall be liable for damages for alleged malpractice as a teacher or for any other claim based on the results of that innovation or experimentation.

1995, c.E-0.2, s.232; 1998, c.21, s.94.

Teacher associations

233 Any number of teachers may organize themselves into an association and, subject to the regulations, may hold conventions, institutes, workshops or seminars for the purposes of professional development, educational planning and enhancement of professional skills.

1995, c.E-0.2, s.233.

COLLECTIVE BARGAINING**Bargaining committees to negotiate provincial agreements**

234(1) The federation shall appoint a bargaining committee of four members to have exclusive authority, and be the sole party, to bargain collectively and to execute collective bargaining agreements on behalf of teachers with respect to the matters set out in subsection 237(1).

(2) The association shall appoint four persons and the Lieutenant Governor in Council shall appoint five persons to a bargaining committee to have exclusive authority, and be the sole party, to bargain collectively and to execute collective bargaining agreements on behalf of boards of education and the conseil scolaire and the Government of Saskatchewan with respect to the matters set out in subsection 237(1).

(3) Subject to subsection (4), where there is an insufficient number of appointments made pursuant to subsection (1) or (2), the Lieutenant Governor in Council may appoint the number of persons that is required to constitute each committee mentioned in subsection (1) or (2).

(4) The Lieutenant Governor in Council shall:

(a) in the case of the committee mentioned in subsection (1), only appoint persons who are teachers; and

(b) in the case of the committee mentioned in subsection (2), only appoint persons who are members of a board of education or the conseil scolaire.

(5) A majority of the members of a bargaining committee constitutes a quorum.

(6) A bargaining committee appointed pursuant to this section may bargain on its own behalf or through one or more representatives who may or may not be members of that committee.

1995, c.E-0.2, s.234; 1998, c.21, s.95.

Bargaining committees to negotiate local agreements with boards of education

235(1) Each board of education shall bargain collectively with the teachers employed by it with respect to the matters set out in subsection 237(2).

(2) The teachers employed by a board of education shall appoint a bargaining committee to have the exclusive authority, and be the sole party, to bargain collectively on behalf of all the teachers employed by that board of education with respect to the matters set out in subsection 237(2).

1995, c.E-0.2, s.235.

Bargaining committee to negotiate local agreements with conseils scolaires

236(1) The conseil scolaire shall bargain collectively with the teachers employed by it with respect to the matters set out in subsection 237(3).

(2) The teachers employed by the conseil scolaire shall appoint a bargaining committee to have the exclusive authority, and be the sole party, to bargain collectively on behalf of all the teachers employed by the conseil scolaire with respect to the matters set out in subsection 237(3).

1995, c.E-0.2, s.236; 1998, ch.21, s.96.

Scope of bargaining authority of bargaining committees

237(1) The bargaining committees mentioned in section 234:

- (a) shall bargain collectively with respect to:
 - (i) salaries of teachers;
 - (ii) allowances for principals and vice-principals;
 - (iii) superannuation of teachers;
 - (iv) group life insurance for teachers;
 - (v) criteria respecting the designation of persons as not being teachers within the meaning of any provision of this Act pertaining to collective bargaining;
 - (vi) the duration of a provincial agreement;
 - (vii) sick leave for teachers;
 - (viii) any other matters that may be ancillary or incidental to any of the matters mentioned in subclauses (i) to (vii) or that may be necessary to their implementation;
- (b) may bargain collectively with respect to matters other than those mentioned in clause (2)(a).

(2) Subject to subsection (4), each board of education and each bargaining committee mentioned in subsection 235(2):

- (a) shall bargain collectively with respect to:
 - (i) sabbatical leave for teachers;
 - (ii) educational leave for teachers;
 - (iii) salaries for substitute teachers;
 - (iv) the duration of a local agreement;
 - (v) pay periods for teachers;
 - (vi) special allowances for teachers;

- (b) may bargain collectively with respect to matters other than those mentioned in clause (1)(a).
- (3) Subject to subsection (5), the conseil scolaire and the bargaining committee mentioned in subsection 236(2):
- (a) shall bargain collectively with respect to:
- (i) sabbatical leave for teachers;
 - (ii) educational leave for teachers;
 - (iii) salaries for substitute teachers;
 - (iv) the duration of a local agreement;
 - (v) pay periods for teachers;
 - (vi) special allowances for teachers;
- (b) may bargain collectively with respect to matters other than those mentioned in clause (1)(a).
- (4) Where a board of education and a bargaining committee have agreed to bargain collectively with respect to a matter covered by clause (2)(b) and the matter subsequently becomes part of a provincial agreement, the local agreement with respect to that matter applies to the teachers and the board of education notwithstanding the terms of the provincial agreement with respect to that matter.
- (5) Where the conseil scolaire and the bargaining committee have agreed to bargain collectively with respect to a matter covered by clause (3)(b) and the matter subsequently becomes part of a provincial agreement, the local agreement with respect to that matter applies to the teachers and the conseil scolaire notwithstanding the terms of the provincial agreement with respect to that matter.
- (6) No collective bargaining agreement is to contain terms regulating the selection of teachers, the courses of study, the program of studies or the professional methods and techniques employed by teachers.

1995, c.E-0.2, s.237; 1998, c.21, s.97.

Time of commencement of collective bargaining

238 Negotiations to conclude any collective bargaining agreements shall commence not later than 100 days prior to the day on which a collective bargaining agreement negotiated pursuant to this Act expires.

1995, c.E-0.2, s.238.

Process for settlement of disputes to be specified

239(1) Not later than 101 days before 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 if all of the parties to the provincial agreement or the local agreement, as the case may be, consent; 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; 2017, c11, s.47.

Appointment of mediator

240 Where a collective bargaining agreement is to be concluded, renewed or revised and the chairperson of the Educational Relations Board at any time considers it desirable that a mediator be appointed to assist in the resolution of a dispute, the chairperson may appoint a mediator.

1995, c.E-0.2, s.240.

Educational Relations Board continued

241(1) The Educational Relations Board is continued and consists of five members appointed by the Lieutenant Governor in Council.

- (2) Of the members appointed pursuant to subsection (1):
- (a) two members shall be teachers nominated by the federation;
 - (b) two members, who must each be a member of a board of education or the conseil scolaire, shall be nominated by the association;
 - (c) one member, who is to be the chairperson, shall be nominated by a majority of the members mentioned in clauses (a) and (b).
- (3) Where no joint nomination is received pursuant to clause (2)(c), the Chief Justice of the Court of Queen's Bench shall nominate one person to be the chairperson.
- (4) Where the federation or the association fails to nominate persons in accordance with subsection (2), the Lieutenant Governor in Council shall appoint as members of the Educational Relations Board that number of persons that the federation or association has failed to nominate, and those persons are deemed to have been appointed pursuant to subsection (2).

- (5) The members of the Educational Relations Board appointed pursuant to subsection (1) hold office for a term of four years and are eligible for reappointment.
- (6) Where a vacancy occurs in the membership of the Educational Relations Board, the Lieutenant Governor in Council may appoint another person to fill the vacancy for the remainder of the term of the person being replaced.
- (7) The members of the Educational Relations Board shall appoint one of their number to be vice-chairperson, and that person is to act in the chairperson's absence.
- (8) The Educational Relations Board may meet at any times and places that it considers necessary or desirable for the proper conduct of its business, but no business is to be transacted at any meeting unless at least three members of the board are present, one of whom must be the chairperson or the vice-chairperson.
- (9) All orders, decisions and rules made by the Educational Relations Board must be signed by the chairperson, or, in his or her absence, by the vice-chairperson.
- (10) Orders signed by the vice-chairperson pursuant to subsection (a) have the same effect as if they had been signed by the chairperson.
- (11) A decision of a majority of those present at a meeting of the Educational Relations Board is a decision of the Educational Relations Board.
- (12) The chairperson of the Educational Relations Board is entitled to receive remuneration for his or her services, allowances for necessary travel and other expenses in the amount or at a rate that the Lieutenant Governor in Council may determine.
- (13) The chairperson of the Educational Relations Board shall submit to the minister a report on that board's activities for the preceding year, at the times and in the form that the minister may require.

1995, c.E-0.2, s.241; 1998, c.21, s.99; 2005, c.11, s.20; 2008, c.11, s.11.

Staff of Educational Relations Board

242(1) With the approval of the Lieutenant Governor in Council, the Educational Relations Board shall, appoint:

- (a) a chief executive officer, to act as secretary to the board; and
 - (b) any other officers and employees that it considers necessary for the performance of its duties.
- (2) Subject to the approval of the Lieutenant Governor in Council, the Educational Relations Board may fix the remuneration of mediators, conciliators and arbitrators.

1995, c.E-0.2, s.242; 2009, c.13, s.28.

Mediation services

243(1) Where a dispute arises between the parties mentioned in section 234, between the parties mentioned in section 235, or between the parties mentioned in section 236 and neither party to that dispute has given notice pursuant to section 244 or 251, as the case may be, either party to the dispute may, by written notice, inform the chairperson of the Educational Relations Board that it desires mediation services in reaching an agreement respecting the dispute.

(2) Within 21 days of receiving written notice pursuant to subsection (1), the Educational Relations Board shall appoint a mediator or a team of mediators.

(3) The mediator or team of mediators shall immediately confer with the parties and endeavour to assist them in reaching an agreement respecting the dispute.

(4) Within 14 days of appointment or within any longer period of time that the chairperson of the Educational Relations Board may determine, the mediator or mediation team shall report in writing to that board the results of the mediation services that have been provided.

1995, c.E-0.2, s.243.

Arbitration of dispute

244(1) Notwithstanding section 243, where a dispute mentioned in subsection 243(1) arises, either party to the dispute may, by notice in writing to the chairperson of the Educational Relations Board, request arbitration of the dispute.

(2) At the same time as it submits a request for arbitration, the party requesting arbitration shall forward a copy of the notice requesting arbitration to the other party to the dispute.

(3) Where arbitration of the dispute is requested pursuant to subsection (1), the party requesting the arbitration shall specify in the notice:

- (a) the matters with respect to which it requests arbitration and its proposals concerning the award to be made; and
- (b) the name of the person whom it appoints as a member of the arbitration board.

1995, c.E-0.2, s.244.

Notice of arbitration to other party

245(1) Where a notice pursuant to section 244 has been received by the chairperson of the Educational Relations Board, the chairperson shall immediately send a copy to the other party to the dispute with respect to which arbitration is requested.

(2) Within 10 clear days after receipt of the copy of the notice mentioned in subsection (1), the party that received that notice shall notify the chairperson of the Educational Relations Board and the other party to the dispute in writing of:

- (a) the name of the person whom it appoints as a member of the arbitration board;

- (b) its proposals regarding the award to be made with respect to matters concerning which the other party has requested arbitration pursuant to section 244; and
- (c) its proposals with respect to any matter, in addition to the matters specified in the notice pursuant to section 244:
 - (i) that has been a subject of negotiation between the parties during the period before the arbitration was requested;
 - (ii) on which the parties were unable to agree; and
 - (iii) with respect to which the party providing notice pursuant to this subsection requests arbitration.

1995, c.E-0.2, s.245; 2009, c.13, s.29.

Arbitration board constituted

- 246(1)** The two members of an arbitration board appointed pursuant to sections 244 and 245 shall appoint, within 10 clear days after the appointment of the second of them, a third member, who is to be the chairperson of the arbitration board.
- (2) Where the party that received the copy of the notice mentioned in section 245 fails to specify the name of the person it appoints to the arbitration board within the time prescribed pursuant to subsection 245(2), the chairperson of the Education Regulations Board shall appoint a member on behalf of that party.
- (3) Where the two members of the arbitration board appointed pursuant to sections 244 and 245 cannot agree on the appointment of a third member within the 10-day period mentioned in subsection (1), the chairperson of the Education Regulations Board shall appoint a third member to be the chairperson of the arbitration board.
- (4) The chairperson of the Educational Relations Board shall:
- (a) refer the matter in dispute to the arbitration board in writing; and
 - (b) send a copy of the notices mentioned in sections 244 and 245 to the chairperson of the arbitration board.
- (5) Where a matter is referred to an arbitration board pursuant to subsection (4), the arbitration board is conclusively presumed to have been appointed in accordance with this Act, and its proceedings, orders and decisions are not reviewable by a court of law by *certiorari*, *mandamus*, prohibition, injunction or any other proceeding.
- (6) Where a vacancy occurs in the membership of an arbitration board before it has made its award, the vacancy may be filled in the manner prescribed in section 244 or 245 or in this section.
- (7) A member selected pursuant to subsection (6) is deemed to have been a member of the arbitration board from the date the arbitration board was established.

1995, c.E-0.2, s.246.

Terms of reference of arbitration board

247(1) The matters in dispute between the parties to an arbitration that must be specified in the notices pursuant to sections 244 and 245 constitute the terms of reference of the arbitration board.

(2) After considering the matters in dispute together with any other matter that it considers necessarily incidental to the resolution of the matters in dispute, the arbitration board shall make an award with respect to the dispute.

(3) An award must not include provision for matters that the parties have not agreed to negotiate.

(4) A dispute between parties consisting of a disagreement with respect to requesting arbitration proceedings pursuant to this Act is not to be the subject of arbitration proceedings pursuant to this Act.

(5) Where, at any time before an award is made, the parties reach agreement on any matter in dispute, the arbitration board shall not make an award with respect to the matter that has been resolved.

1995, c.E-0.2, s.247.

Procedure of arbitration board

248(1) Subject to the other provisions of this Act and the regulations, an arbitration board shall determine its own procedure but shall give full opportunity to the parties to the arbitration to present evidence and to make submissions to it.

(2) An arbitration board may consider any evidence that is appropriate, whether or not that evidence would be admissible in a court of law.

(3) A decision of the majority of the members of an arbitration board or, failing a majority decision, the decision of the chairperson of the arbitration board, is an award of that board.

(4) An arbitration board shall render its decision pursuant to subsection (3) within 28 days of the date of its establishment, unless the parties agree to an extension of time or the time is extended by the chairperson of the Educational Relations Board.

(5) The award of an arbitration board is final and binding on the parties to the arbitration.

(6) A certified copy of the decision of the arbitration board must be filed by the chairperson of the arbitration board within 14 days in the office of a local registrar of the Court of Queen's Bench and, once filed, is enforceable as a judgment or order of that court.

1995, c.E-0.2, s.248.

Referral of certain matters back to arbitration board

249(1) Where it appears to either party to an arbitration that an arbitration board has failed to deal in an award with any matter referred to it, the party may, within seven days from the day on which the arbitration board made the award, refer the matter back to the arbitration board for consideration.

(2) Where a matter has been referred back to an arbitration board pursuant to subsection (1), the arbitration board shall consider the matter.

1995, c.E-0.2, s.249.

Power of arbitration board to amend award

250 On application by both parties who were parties to an arbitration before it, an arbitration board may amend, alter or vary any provision of an award made by the arbitration board where it appears to the arbitration board that the amendment, alteration or variation is warranted.

1995, c.E-0.2, s.250.

Conciliation board with respect to dispute

251 Notwithstanding section 243, either party to the dispute, by written notice to the chairperson of the Educational Relations Board, may request the establishment of a conciliation board where a dispute arises between:

- (a) the parties mentioned in section 234;
- (b) the parties mentioned in section 235; or
- (c) the parties mentioned in section 236.

1995, c.E-0.2, s.251.

Establishment of conciliation board

252(1) Subject to subsection (2), on receipt of a notice pursuant to section 251, the chairperson of the Educational Relations Board shall:

- (a) establish a conciliation board with respect to the dispute between the parties; and
- (b) notify the parties of the establishment of the conciliation board.

(2) Where the chairperson of the Educational Relations Board receives a notice pursuant to section 251 and, after consultation with each of the parties to the dispute, it appears to him or her that the establishment of a conciliation board is unlikely to assist the parties in reaching agreement, the chairperson shall immediately notify the parties in writing of his or her intention not to establish a conciliation board as requested.

1995, c.E-0.2, s.252.

Establishment of conciliation board by chairperson of the Educational Relations Board

253(1) Where a dispute mentioned in section 251 arises, the chairperson of the Educational Relations Board may establish a conciliation board if it appears to him or her that the establishment of a conciliation board may assist the parties in reaching an agreement and that, without the establishment of a conciliation board, the parties are unlikely to reach an agreement.

(2) Prior to establishing the conciliation board pursuant to subsection (1), the chairperson of the Educational Relations Board shall notify the parties to the dispute in writing of the intention to do so.

1995, c.E-0.2, s.253.

Conciliation board constituted

254(1) A conciliation board is to consist of three members.

(2) Within seven days of the receipt of a notice of the establishment of a conciliation board from the chairperson of the Educational Relations Board, each of the parties to the conciliation shall appoint one person to be a member of the conciliation board and shall immediately notify the chairperson of the Educational Relations Board and the other party of the appointment.

(3) If either party to the conciliation fails to appoint a person as a member of the conciliation board within the time mentioned in subsection (2), the chairperson of the Educational Relations Board shall appoint a person as a member of the conciliation board.

(4) Within eight days after the appointment of the second of them, the two members appointed pursuant to subsection (2) or (3) shall nominate a person who shall be appointed by the chairperson of the Educational Relations Board to be the third member and chairperson of the conciliation board.

(5) If the two members appointed pursuant to subsections (2) and (3) cannot agree on a nomination pursuant to subsection (4), the chairperson of the Educational Relations Board shall:

- (a) immediately appoint a person to be the chairperson of the conciliation board; and
- (b) notify the parties, in writing, that the conciliation board is established.

1995, c.E-0.2, s.254.

Vacancy on conciliation board

255 Where a vacancy occurs in the membership of a conciliation board before it has reported its findings and recommendations, the vacancy may be filled in the manner set out in section 254.

1995, c.E-0.2, s.255.

Statement of dispute to conciliation board

256 Immediately on the establishment of a conciliation board, each party to the dispute with respect to which the conciliation board is established shall:

- (a) deliver a statement in writing of the matters in dispute to the conciliation board; and
- (b) deliver a copy of the statement to the chairperson of the Educational Relations Board.

1995, c.E-0.2, s.256.

Jurisdiction of conciliation board

257(1) As soon as possible after receiving the statements mentioned in section 256, a conciliation board shall endeavour to bring about agreement between the parties with respect to the matters set out in those statements.

(2) A conciliation board may determine its own procedures but shall give full opportunity to both parties to present evidence and to make representations.

(3) After consultation with the other members of the board, the chairperson of a conciliation board may fix the times and places of its sittings and shall notify the parties to the conciliation of those times and places.

(4) The chairperson of a conciliation board and one other member shall constitute a quorum, if the absent member has been given reasonable notice of the meeting.

(5) A conciliation board may receive, accept, admit and call any evidence that is appropriate, whether or not that evidence would be admissible in a court of law.

(6) A conciliation board shall render its decision within 14 days of its establishment, unless:

- (a) the parties to the conciliation agree to extend the time; or
- (b) the chairperson of the Educational Relations Board extends the time.

(7) A report of a majority of the members of a conciliation board is the report of the board.

(8) The report of a conciliation board shall be in writing and shall be submitted to the chairperson of the Educational Relations Board within 14 days of the date of the decision, unless:

- (a) the parties to the conciliation agree to extend the time; or
- (b) the chairperson of the Educational Relations Board extends the time.

(9) Where any two members of a conciliation board are unable to agree on an award, the report of the chairperson of the conciliation board shall be the award of the board.

1995, c.E-0.2, s.257.

Clarification of report of conciliation board

258 Where a conciliation board submits a report pursuant to subsection 257(8), the chairperson of the Educational Relations Board may, in his or her discretion, direct the conciliation board to reconsider and clarify or simplify the report or any part of it.

1995, c.E-0.2, s.258.

Conciliation board's report binding by agreement

259 Where the parties to a dispute with respect to which a conciliation board is established agree in writing to be bound by the report before the conciliation board makes its report, the report is binding on both parties.

1995, c.E-0.2, s.259.

Report to parties and arbitration

260(1) On receipt of the report of a conciliation board, the chairperson of the Educational Relations Board shall send a copy of the report to the parties to the dispute and may, in his or her discretion, publish the report in any manner that he or she considers advisable.

(2) Where a collective bargaining agreement is not concluded by the parties within 20 days after the report of the conciliation board is forwarded to the chairperson of the Educational Relations Board, the parties may jointly request in writing that the matter or matters in dispute be referred for arbitration.

(3) On receipt of a request pursuant to subsection (2), the chairperson of the Educational Relations Board shall refer the matter or matters in dispute to an arbitration board.

(4) A request for arbitration made pursuant to subsection (2) shall specify the matters in respect of which the parties request arbitration.

(5) Within five clear days after the date of the request for arbitration, each party to a request for arbitration pursuant to subsection (2) shall specify the name of the person whom it appoints to the arbitration board.

(6) Sections 246, 248, 249 and 250 apply to an arbitration board established pursuant to a request for arbitration pursuant to subsection (2).

1995, c.E-0.2, s.260.

Arbitration of grievance

261(1) Subject to section 263 and except where otherwise provided in a collective bargaining agreement, either party to the agreement may, at any time by notice in writing to the other party, require that any grievance be resolved by arbitration.

(1.1) For greater certainty and for the purposes of this section and section 263, “**party**”, “**party to the grievance**” or “**party to the agreement**” means with respect to a provincial agreement:

- (a) the bargaining committee appointed by the federation pursuant to subsection 234(1); or

- (b) the bargaining committee that consists of:
 - (i) the persons appointed by the association pursuant to subsection 234(2); and
 - (ii) the persons appointed by the Lieutenant Governor in Council pursuant to subsection 234(2).
- (2) The notice mentioned in subsection (1) shall specify the grievance and the name of the person whom the party giving the notice appoints to be a member of the arbitration board.
- (3) Within 10 days after receipt of that notice, the party to whom a notice is sent pursuant to subsection (1) shall appoint a person to be a member of the arbitration board and notify the other party in writing of the appointment.
- (4) Within 10 days after the appointment of the second of them, the two members appointed pursuant to subsections (2) and (3) shall appoint a person to be the third member and chairperson of the arbitration board.
- (5) Where a party does not appoint a person to be a member of the arbitration board, or where the two persons appointed as members cannot agree on a person to be the third member of the arbitration board, within the time prescribed in subsection (3) or (4) for those appointments, the chairperson of the Educational Relations Board shall, on being notified by either party of that fact, appoint:
 - (a) a person to be a member of the arbitration board; or
 - (b) a person to be the third member and chairperson of the arbitration board.

1995, c.E-0.2, s.261; 1998, c.21, s.100.

Duty of arbitration board respecting grievance

262(1) An arbitration board appointed pursuant to section 261 shall proceed to hear the grievance with respect to which it was established as promptly as is reasonably practicable.

(2) Sections 248 to 250 apply to the hearing of an arbitration board appointed pursuant to section 261.

1995, c.E-0.2, s.262.

Conditions precedent for arbitration of grievance

263 Except where otherwise provided in a collective bargaining agreement, if a grievance involves the interpretation or application or the alleged violation of a collective bargaining agreement, that grievance shall not be referred for arbitration until:

- (a) a complaint in writing is filed with the other party by a party to the grievance; and
- (b) negotiations between the parties mentioned in clause (a) have failed to result in a settlement of the grievance within 15 days.

1995, c.E-0.2, s.263; 1998, c.21, s.101.

Non-application of *The Arbitration Act, 1992*

264 *The Arbitration Act, 1992* does not apply to any arbitration or conciliation pursuant to sections 244 to 263.

1995, c.E-0.2, s.264.

Contracts deemed to include terms and conditions of collective agreements

265 All contracts of employment between teachers and boards of education and between teachers and the conseil scolaire are deemed to include all applicable terms and conditions contained in a collective bargaining agreement made between the parties pursuant to this Act and, notwithstanding the termination of a collective bargaining agreement, those terms and conditions shall remain in force for the duration of any contract of employment and until a new or revised collective bargaining agreement is concluded between the parties.

1998, c.21, s.102.

Application to the Educational Relations Board respecting certain designations

266(1) In sections 234 to 265, “**teacher**” does not include:

- (a) any director; or
 - (b) any person who has been designated by the Educational Relations Board pursuant to this section as not being a teacher.
- (2) A board of education or the conseil scolaire may apply in writing to the Educational Relations Board to have a person designated as not being a teacher.
 - (3) A person who has been designated as not being a teacher pursuant to subsection (2) may apply in writing to the Educational Relations Board to have himself or herself designated as being a teacher.
 - (4) An applicant described in subsection (2) or (3) shall provide a copy of the application to the Saskatchewan League of Educational Administrators, Directors and Superintendents.
 - (5) An application pursuant to subsection (2) or (3) must include:
 - (a) the name of the person with respect to whom the application is made;
 - (b) a full description of the position occupied by the person;
 - (c) the duties and responsibilities of the position;
 - (d) the grounds on which the application is made; and
 - (e) any other information that may be required by the Educational Relations Board.
 - (6) The Educational Relations Board shall provide a reasonable opportunity to the applicant and the other party affected by the application to appear before it to make representations with respect to the application.

- (7) The Educational Relations Board shall:
- (a) consider an application pursuant to subsection (2) or (3) as promptly as circumstances permit;
 - (b) render a decision on the application in accordance with the criteria included for that purpose in the provincial agreement; and
 - (c) provide notice of its decision, in writing, to:
 - (i) the board of education or the conseil scolaire, as the case may be;
 - (ii) the person affected by the decision;
 - (iii) the Saskatchewan League of Educational Administrators, Directors and Superintendents; and
 - (iv) the minister.
- (8) A decision of the Educational Relations Board on an application pursuant to subsection (2) or (3) is final and binding on the board of education or the conseil scolaire and on the person affected by the application.

1995, c.E-0.2, s.266; 1998, c.21, s.127; 2000, c.10, s.12; 2008, c.11, s.12.

**Persons associated with the Educational Relations Board
are not compellable to give evidence**

267 The following persons are not compellable as witnesses to give evidence, in any civil action, suit or other proceeding with respect to any knowledge or information acquired in the exercise of any powers conferred by this Act or acquired in the performance or purported performance of any duties imposed by this Act:

- (a) any member of the Educational Relations Board;
- (b) any officer or employee of the Educational Relations Board or person appointed by the Educational Relations Board;
- (c) any mediator, conciliator or arbitrator.

1995, c.E-0.2, s.267.

Sufficiency of notice

268 Service of a notice for any of the purposes of sections 234 to 265 is sufficient if sent by registered mail to the last known address of the residence or business office of the person to be served.

1995, c.E-0.2, s.268.

Costs of arbitration and conciliation

269(1) Each party to an arbitration or conciliation process pursuant to this Act shall bear the fees and expenses:

- (a) of its appointees to the arbitration board or conciliation board, as the case may be; and
 - (b) of its witnesses, if any.
- (2) The fees and expenses of the chairperson of a board are to be borne equally by the parties.

1995, c.E-0.2, s.269.

TEACHER CLASSIFICATION BOARD

Interpretation of “board”

270 In sections 271 to 273, “**board**” means the Teacher Classification Board continued pursuant to section 271.

2015, c.18, s.2.

Board continued

271(1) The Teacher Education, Certification and Classification Board is continued as the Teacher Classification Board.

(2) The board consists of the members appointed or elected in accordance with the regulations.

(3) The Lieutenant Governor in Council may make regulations respecting:

- (a) the terms of the members of the board;
- (b) the remuneration to be paid to the members of the board, and the reimbursement of their expenses, for attending meetings and otherwise attending to the affairs of the board; and
- (c) the conduct of the affairs of the board.

(4) Subject to any regulations made pursuant to clause (3)(c), the board may determine its own rules of practice and procedure and the manner in which it conducts its affairs.

2015, c.18, s.2.

Responsibilities of board

272(1) The board:

- (a) shall review and advise the minister on matters related to the salary classification of teachers; and
- (b) shall:
 - (i) hear the representations of any teacher respecting the teacher’s salary classification;
 - (ii) examine or review any evidence submitted to the board respecting the teacher’s salary classification; and
 - (iii) make a determination respecting the teacher’s salary classification.

(2) A determination made by the board pursuant to subclause (1)(b)(iii) is binding on the teacher and on the board of education or the conseil scolaire employing the teacher.

2015, c.18, s.2.

Powers of board

273 The board may arrange for consultants to assist it in any studies considered necessary to the performance of any of the duties imposed on it by section 272.

2015, c.18, s.2.

274 Repealed. 2015, c.18, s.2.

275 Repealed. 2012, c.10, s.16.

276 Repealed. 2012, c.10, s.16.

PART VI
Finance
BUDGET

Interpretation of “fiscal year”

277 In this Part, “**fiscal year**” means the period commencing on September 1 in one year and ending on August 31 of the following year.

2012, c.10, s.17.

278 Repealed. 2017, c11, s.48.

279 Repealed. 2017, c11, s.48.

Review, consultation and approval

280(1) In accordance with this Act and the regulations, every board of education and the conseil scolaire shall prepare and submit to the minister, for the minister’s approval, estimates of revenues and expenditures required for the purposes of the school division or the division scolaire francophone, as the case may be, for the following fiscal year.

(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.

(5) The minister's approval of the budget estimates of a board of education or the conseil scolaire pursuant to this section does not limit or otherwise hinder the minister's power to impose terms and conditions on, and issue written directives with respect to, grants made by the minister to the board of education or the conseil scolaire pursuant to this Act.

2009, c.15, s.8; 2017, c11, s.49.

281 Repealed. 2017, c11, s.50.

Reports to minister

282 In accordance with this Act and the regulations, every board of education and the conseil scolaire shall prepare and submit to the minister budget estimates, reports, financial statements and other information in any form and at any times that the minister may consider necessary.

2017, c11, s.51.

282.1 Repealed. 2017, c11, s.52.

Annual report

283(1) In each fiscal year, every board of education and the conseil scolaire shall submit to the minister, in accordance with section 13 of *The Executive Government Administration Act*:

- (a) a report on the activities of the board of education or conseil scolaire for the preceding fiscal year;
- (b) a financial statement showing the business of the board of education or conseil scolaire for the preceding fiscal year, in any form that may be required by the minister; and
- (c) any other information that the minister may direct.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement submitted to the minister pursuant to this section.

2012, c.10, s.18; 2014, c.11, s.9.

Authority of the Provincial Auditor

283.1 For the purposes of conducting an examination, review or audit pursuant to *The Provincial Auditor Act*, the Provincial Auditor for Saskatchewan has, in relation to the board of education or the conseil scolaire, as the case may be, all the rights and powers set out in subsection 24(1) of that Act.

2017, c11, s.53.

TAXATION

284 Repealed. 2013, c.9, s.19.

Tax rates

285 Subject to section 288, for every taxation year a tax at the rates mentioned in section 288 is to be levied over the taxable property within the school division.

2009, c.15, s.10.

285.1 Repealed. 2009, c.15, s.10.

Cash reserve for capital expenditures

286 If a board of education has created a reserve for capital expenditures pursuant to the provisions of this Act, as those provisions read before the coming into force of this section, the board of education shall hold that reserve as a special fund for the purposes of constructing or acquiring any capital works that may be approved by the minister.

2009, c.15, s.10.

287 Repealed. 2006, c.18, s.27.

Setting tax rates

288(1) In this section:

“**property class**” means a property class established in the regulations;
(« *catégorie de biens* »)

“**property tier**” means a property tier that is:

- (a) established by the Lieutenant Governor in Council within a property class; and
- (b) based on taxable assessment values. (« *niveau de biens* »)

(2) Subject to subsection (7), for each taxation year, the Lieutenant Governor in Council, on the recommendation of the minister responsible for the administration of *The Municipalities Act*, shall determine the rate in mills to be levied with respect to each school division and each property class.

(3) The rates to be determined pursuant to subsection (2) may differ:

- (a) for different property classes;
- (b) for different property tiers;
- (c) for school divisions located wholly or partly within the City of Lloydminster; and
- (d) for property within the City of Lloydminster.

- (4) The rates determined for a taxation year pursuant to subsection (2) apply to all of the taxation year with respect to which they are determined.
- (5) Subject to subsection (7), the rate for a taxation year determined pursuant to subsection (2) for a property class or property tier is the rate that must be levied in that taxation year on property in the property class or property tier of the taxable assessment of a school division as shown on the last revised assessment roll of the municipality.
- (6) Notwithstanding any other provision of this Act or any other Act or law but subject to subsection (7), for the taxation year commencing on January 1, 2009:
- (a) the rates determined pursuant to subsection (2) apply to all of the taxation year; and
 - (b) every municipality shall levy and collect taxes for the purposes of this Act at the rates mentioned in clause (a) for all of that taxation year.
- (7) In the case of a separate school division that wishes to determine its own levy and that has passed a valid bylaw pursuant to section 288.1, the board of education of the separate school division shall:
- (a) determine the sums required to be derived from the levy on the taxable assessment of the separate school division; and
 - (b) not later than April 20 in each taxation year except in the case of the 2009 taxation year, and subject to any directive of the minister, determine the rate in mills to be levied, and, for that purpose, may determine a different rate:
 - (i) for each property class; and
 - (ii) for each property tier.

2009, c.15, s.11; 2012, c.10, s.19; 2013, c.9, s.20.

Separate school division bylaw

288.1(1) A board of education of a separate school division that wishes to determine its own levy pursuant to section 288 shall:

- (a) pass a bylaw, in the form prescribed in the regulations or in any form acceptable to the minister, declaring its intention to determine its own levy; and
 - (b) within five days after passing the bylaw pursuant to clause (a), provide:
 - (i) the minister with a certified copy of the bylaw and any additional information that the minister may reasonably require; and
 - (ii) every municipality in which the separate school division is wholly or partly located with a certified copy of the bylaw.
- (2) A bylaw passed for the purposes of this section is effective with respect to the taxation year beginning immediately after the date the bylaw is passed and every subsequent taxation year.
- (3) A bylaw passed for the purposes of this section remains in effect until it is repealed by another bylaw.

(4) A board of education of a separate school division shall only make or repeal a bylaw for the purposes of this section:

- (a) after the date of a general election held pursuant to *The Local Government Election Act*; and
- (b) before December 31 of the same year.

(5) Notwithstanding subsections (2) and (4), after the coming into force of this section and before the date prescribed in the regulations, a board of education of a separate school division that wishes to determine its own levy pursuant to section 288 shall:

- (a) pass a bylaw, in the form prescribed in the regulations or in any form acceptable to the minister, declaring its intention to determine its own levy; and
- (b) within five days after passing the bylaw pursuant to clause (a), provide:
 - (i) the minister with a certified copy of the bylaw and any additional information that the minister may reasonably require; and
 - (ii) every municipality in which the separate school division is wholly or partly located with a certified copy of the bylaw.

(6) Notwithstanding subsection (2), if a board of education of a separate school division passes a bylaw pursuant to subsection (5), the bylaw is effective with respect to the taxation year beginning January 1, 2009 and every subsequent taxation year.

(7) Notwithstanding subsection (4), if a separate school division is established after the coming into force of this section and the board of education of the separate school division wishes to determine its own levy pursuant to section 288, the board of education, within 30 days after the date on which the school division is established, shall:

- (a) pass a bylaw, in the form prescribed in the regulations or in any form acceptable to the minister, declaring its intention to determine its own levy; and
- (b) within five days after passing the bylaw pursuant to clause (a), provide:
 - (i) the minister with a certified copy of the bylaw and any additional information that the minister may reasonably require; and
 - (ii) every municipality in which the separate school division is wholly or partly located with a certified copy of the bylaw.

2009, c.15, s.11.

Notice of tax rates

289(1) As soon as possible in each taxation year but, except in the case of the 2009 taxation year and except in the case of a newly established school division, not later than May 1:

- (a) the minister or the minister responsible for the administration of *The Municipalities Act* shall notify each municipality, and the board of education of each school division with respect to which the rates apply, of the rates determined pursuant to subsection 288(2) for the taxation year; and

(b) the board of education of a separate school division with respect to which a valid bylaw passed pursuant to section 288.1 is in force shall notify the minister, and each municipality in which the separate school division is wholly or partly located, of the rates determined pursuant to clause 288(7)(b) for the taxation year.

(2) A separate school division mentioned in subsection (1) shall give the notice required to be given pursuant to this section by submitting a certified copy of the resolution of the board of education establishing the rates.

2009, c.15, s.11; 2012, c.10, s.20.

Levy of taxes

290(1) The council of every municipality with lands in a school division shall levy the tax rates mentioned in section 288 with respect to those lands.

(2) The board of education shall levy the tax rates mentioned in section 288 with respect to lands outside a municipality but within the school division.

(3) If the council of a municipality with lands in a school division fails to levy the tax mentioned in subsection (1) at the rate or rates applicable as fixed pursuant to section 288, the municipality is liable for that amount.

(4) The amount mentioned in subsection (3), or any portion of it, may be recovered from the municipality in any manner authorized by law.

1995, c.E-0.2, s.290; 2012, c.10, s.21.

290.1 Repealed. 2009, c.15, s.12.

Payment to school division of school taxes

291(1) The council of a municipality mentioned in subsection 290(1) shall:

(a) keep in the tax rolls and records of the municipality a separate record of the uniform school taxes levied, collected and paid on account of each taxable parcel of land in the school division; and

(b) pay all proceeds of the tax received over to the board of education not later than the tenth day of the month following their collection or in accordance with any other arrangement that is mutually acceptable to the municipality and to the board of education.

(2) Where land is acquired by a municipality pursuant to *The Tax Enforcement Act* on account of unpaid taxes, including unpaid school taxes, and the municipality subsequently leases or sells the land or exchanges the land for other land in the municipality or the school division:

(a) the municipality shall pay to the school division:

(i) if the revenues from the lease, sale or exchange of the land are sufficient to pay all unpaid taxes on the land that are due to the municipality and the school division, all of the revenues from the lease, sale or exchange that are due to the school division on account of unpaid school taxes on the land; or

(ii) if the revenues from the lease, sale or exchange of the land are not sufficient to pay all unpaid taxes due to the municipality and the school division, a pro-rata share of the revenues from the lease, sale or exchange calculated using the percentage that the unpaid school taxes on the land due to the school division is of all unpaid taxes on the land that are due to the municipality and the school division; and

(b) any revenues received by the municipality from the lease, sale or exchange that are due pursuant to clause (a) to the school division on account of unpaid school taxes on the land are a debt due to the school division and may be recovered in any manner authorized by law.

1995, c.E-0.2, s.291; 2009, c.15, s.13.

Recovery of taxes by board of education

292 All taxes levied for the purposes of the board of education or moneys collected or due by a municipality and remaining unpaid to the board of education after the period fixed by this Act for payment are a debt due by the municipality to the school division and may be recovered by the board of education in any manner authorized by law.

1995, c.E-0.2, s.292.

293 Repealed. 2006, c.18, s.29.

Municipal payments to division

294 All funds held by a municipality to the credit of the school division, and all collections by the municipality of arrears of taxes levied with respect to any portion of the school division, are payable to the board of education for the account of the school division.

1995, c.E-0.2, s.294.

School Division Tax Loss Compensation Fund

295(1) The minister may establish a trust fund to be known as the School Division Tax Loss Compensation Fund for the purposes of:

- (a) receiving the payments to be made by the Crown in right of Canada and the Crown in right of Saskatchewan with respect to school division tax loss compensation pursuant to the terms of the Framework Agreement; and
- (b) making payments to any school division that loses tax revenue as a result of lands within that school division being set apart as an Indian reserve pursuant to the terms of the Framework Agreement.

(2) The minister, or any person or association designated by the minister, shall administer the School Division Tax Loss Compensation Fund in accordance with any regulations prescribed by the Lieutenant Governor in Council for that purpose, including any regulations with respect to the following:

- (a) the authorized investments of the fund;
- (b) the administrative expenses that may be deducted from the fund;

- (c) **Repealed.** 2000, c.10, s.13.
- (d) any audit of the records and accounts of the fund that may be required.
- (3) The minister may enter into agreements with any person or association with respect to any matter concerning the administration of the fund.
- (4) The Lieutenant Governor in Council may prescribe a fiscal year for the fund.
- (5) In each fiscal year, the ministry, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit to the minister:
 - (a) a report on the fund respecting its business for the preceding fiscal year;
 - (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.
- (6) 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 (5).

1995, c.E-0.2, s.295; 2000, c.10, s.13; 2014, c.11, s.9; 2017, c11, s.66.

SCHOOL ASSESSMENT

Property liable to levy for tax

296 Taxes for educational purposes pursuant to this Act are to be levied on land, buildings, pipelines and the resource production equipment of mines, gravel pits, petroleum oil wells and gas wells on the basis of the taxable assessment for municipal purposes according to *The Cities Act*, *The Municipalities Act* and *The Northern Municipalities Act, 2010*.

1995, c.E-0.2, s.296; 1996, c.45, s.13; 2000, c.42, s.4; 2002, c.27, s.3; 2005, c.21, s.3; 2010, c.25, s.3; 2015, c.22, s.5.

School tax form

296.1(1) The information that may be required for the purposes of subsection 53(2) must be submitted in the prescribed form.

(2) Notwithstanding section 210 of *The Municipalities Act*, section 180 of *The Cities Act* or clause 192(1)(e) of *The Northern Municipalities Act, 2010*, any notification dealing with the payment of taxes to a public school division or separate school division must be in the prescribed form.

1999, c.16, s.5; 2002, c.27, s.3; 2005, c.21, s.3; 2010, c.25, s.3.

Assessment of owners in separate school divisions

297(1) Property within a separate school division is to be assessed to the owner and, where the property is held by two or more persons as joint tenants or tenants in common, each holder is to be assessed in proportion to his or her interest in the property in the separate or public school division of which he or she is a taxpayer for school purposes.

(2) No person who is legally assessable in a public school division is liable to assessment for a separate school division.

1995, c.E-0.2, s.297.

Assessment of board of education in separate school division

298 The board of education of a separate school division shall be assessed as a separate school taxpayer with respect to any assessable property held by it.

1995, c.E-0.2, s.298; 1999, c.16, s.7.

Assessment of companies where notice is given

299(1) Subject to the other provisions of this section, any part of the real property with respect to which a company is assessable is to be assessed for the purposes of the separate school division where the company notifies:

- (a) the clerk, secretary or secretary-treasurer of any municipality in which a separate school division is situated in whole or in part;
 - (b) the board of education of the public school division in which a separate school division has been established; and
 - (c) the board of education of the separate school division.
- (2) Where a company has given notice pursuant to subsection (1), the proper assessor shall enter the company as a separate school taxpayer in the assessment roll with respect to the property designated in the notice.
- (3) Subject to subsection (5), the part of the property that is designated in the notice mentioned in subsection (2) is to be assessed in the name of the company for the purposes of the separate school division.
- (4) Any other property of the company not designated in the notice mentioned in subsection (2) is to be assessed in the name of the company for public school purposes.
- (5) The share or portion of the property of any company assessed in a municipality for separate school purposes pursuant to this section is to bear the same ratio and proportion to the whole property of the company assessable within the municipality as the amount or proportion of the paid-up or partly paid-up shares or stock of the company held and possessed by taxpayers of the separate school division bears to the whole amount of the paid-up or partly paid-up shares or stock of the company.
- (6) A notice mentioned in subsection (1) must:
- (a) be given pursuant to a resolution of the directors of the company; and
 - (b) be taken as continuing and in force and to be acted on until it is varied or cancelled by a notice subsequently given pursuant to a resolution of the directors.

- (7) A false statement made in any notice given pursuant to subsection (1) does not relieve the company from rates.
- (8) No person shall fraudulently give a notice pursuant to subsection (1), or make a false statement in the notice.
- (9) **Repealed.** 2013, c.9, s.22.

1995, c.E-0.2, s.299; 1999, c.16, s.8; 2009, c.13, s.31; 2013, c.9, s.22.

Assessment where notice is not given by company

300(1) Where a company does not give the notice mentioned in section 299, that part of the real property with respect to which the company is assessed is to be assessed:

- (a) for the purposes of the public school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the public school division with respect to property situated within the boundaries of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division;
- (b) for the purposes of the separate school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division.
- (2) Notwithstanding subsection (1), the minister may fix, by order, the proportions for the allocation of tax revenue where the budgetary requirements of the separate school division as recognized by the minister are less than the total of:
- (a) the school taxes that would be levied by applying the tax rate fixed for the public school division to the taxable assessment of the separate school division; and
- (b) the separate school division's share of taxes that would be collected from any companies that have not given notice pursuant to section 299 or that are relieved from compliance with that section.
- (3) The proper assessor shall enter the company as a public school taxpayer and a separate school taxpayer in the assessment roll with respect to the property assessed to it pursuant to subsection (1) or (2).
- (4) The minister may require information with respect to the tax rate to be levied each year from:
- (a) any separate school division that is situated within the boundaries of a public school division;

- (b) the public school division mentioned in clause (a); or
 - (c) any of the municipalities that are required to levy school taxes for the separate and public school divisions.
- (5) Not later than April 1, the minister shall notify the proper taxing authorities of any municipalities that are required by this Act to levy taxes for the separate school division that the assessment of any companies that have not given notice pursuant to section 299 or that are relieved from compliance with that section shall be allocated to the separate school division and the public school division in the proportions prescribed by the minister.

1995, c.E-0.2, s.300; 1999, c.16, s.9; 2009, c.13, s.32; 2009, c.15, s.14.

Tax rate of division to be applied

- 301(1)** All taxes levied pursuant to sections 299 and 300 must be at the rate fixed by the boards of education of the public and separate school divisions with respect to the taxable assessments designated to them pursuant to those sections.
- (2) All taxes levied pursuant to subsection (1) must be collected as taxes payable to the public and separate school divisions, as the case may be, on behalf of which the taxes are collected.

1995, c.E-0.2, s.301; 2009, c.15, s.15.

Division of assessment of company

- 302(1)** If a public school division and a separate school division are situated wholly within one municipality, the taxable assessments mentioned in subsection 300(1) are to be divided in the proportions set out in that subsection.
- (2) If a public school division and a separate school division are situated in two or more municipalities, the assessors of those municipalities shall send to the boards of education of the respective school divisions statements showing the total assessed value for the current year of assessable property assessed in the municipalities for public school and separate school purposes for persons other than companies.
- (3) The statements mentioned in subsection (2) are to be sent immediately after the respective assessment rolls are finally completed and the time during which appeals against the assessments may be made has elapsed, or the appeals, if any, have been disposed of.
- (4) Subject to subsection (5), the taxable assessments mentioned in section 300 are to be divided into shares corresponding with the aggregate of the assessed values shown in the statements of assessments for public school and separate school purposes.

(5) On receipt of the statements mentioned in subsection (2) and any other information that may be required for the purpose, the boards of education of the public and separate school divisions shall jointly calculate the proportion of the taxable assessments of those companies which do not give notice pursuant to section 299 to be allocated to the public and separate school divisions.

(6) The boards of education of the public and separate school divisions shall jointly notify the appropriate municipal authorities with respect to the proportions of the assessments calculated pursuant to subsection (5) to be shared for the purposes of the public and separate school divisions.

1995, c.E-0.2, s.302; 2009, c.13, s.33.

Statement of taxable assessment of company

303 For the purposes of notifying boards of education with respect to sharing the taxable assessment mentioned in section 302, every municipality shall provide a statement, in the manner and containing the information directed by the minister, to:

- (a) the minister;
- (b) the board of education for every school division that is wholly or partly within the municipality; and
- (c) the company with respect to the share of the taxable assessment assessed to it that relates to the part of the school division that lies within the municipality.

2013, c.9, s.26.

Notification by company as to adjustment

304(1) A company may notify the council of the municipality by statutory declaration that it is impossible, owing to the numbers of shareholders and their wide distribution in point of residence, to ascertain the proportions of the shares or stock of the company held by taxpayers of the public school division and taxpayers of the separate school division.

(2) The statutory declaration required by subsection (1) may be made by the president, vice-president or secretary of the company, or of some other person having the management of its affairs in Saskatchewan who can testify to the facts.

(3) The notification must be received by the municipality on or before:

- (a) May 1 in each year; or
- (b) where the council has adopted the provisions of *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010* by which the taxes for any year are to be based on an assessment made in the previous year, December 1 in the year in which the assessment is made.

(4) Where a company has filed a notice pursuant to subsection (1), sections 300 to 303 apply, with any necessary modification, to the assessment of the assessable property of the company on the assessment roll for the public school division and the separate school division.

(5) Where all of the shareholders of a company are either taxpayers of the public school division or taxpayers of the separate school division, the company may, within the period limited by subsection (3), file a statement to that effect with the clerk, secretary or secretary-treasurer of the municipality verified by a statutory declaration of the president, vice-president or secretary of the company, or of some other person having the management of its affairs in Saskatchewan who can testify to the facts, and the taxes of the company must be levied and collected wholly for the public school division or the separate school division.

(6) Every notice given pursuant to this section and every statement filed pursuant to this section is taken as continuing and in force and to be acted on until it is withdrawn, varied or cancelled by a notice subsequently given or statement subsequently filed in the manner prescribed in this section.

(7) Every notice given or statement filed pursuant to section 299 or this section is to be kept by the clerk, secretary or secretary-treasurer of the municipality on file in his or her office, and is open to inspection and examination by any person entitled to examine or inspect the assessment roll during normal business hours.

(8) Each year before the completion and return of the assessment roll, the assessor shall, search for and examine all notices that may be on file in the office of the clerk, secretary or secretary-treasurer and shall conform to those notices in making his or her assessment.

1995, c.E-0.2, s.304; 1999, c.16, s.10; 2002, c.27, s.3; 2005, c.21, s.3; 2010, c.25, s.3.

Assessment of body corporate without share capital

305(1) A body corporate without share capital may, by notice to the assessor of any municipality in which a separate school division is situated in whole or in part, require any part of the real property with respect to which the body corporate is assessable to be assessed for the purposes of the separate school division.

(2) On receipt of a notice mentioned in subsection (1), the assessor shall enter the body corporate as a separate school taxpayer in the assessment roll with respect to the property designated in the notice, and the part of the property that is so designated is to be assessed in the name of the body corporate for the purposes of the separate school division.

(3) **Repealed.** 2009, c.13, s.34.

(4) A notice mentioned in subsection (1) must be given pursuant to a resolution of the directors of the body corporate and is to be taken as continuing and in force and to be acted on until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to a resolution of the directors.

(5) If a body corporate without share capital does not give the notice mentioned in subsection (1), that part of the real property with respect to which the body corporate is assessed is to be assessed:

(a) for the purposes of the public school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the public school division with respect to property situated within the boundaries of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division;

(b) for the purposes of the separate school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division.

(6) Notwithstanding subsection (5), the minister may fix, by order, the proportions for the allocation of tax revenue if the budgetary requirements of the separate school division, as recognized by the minister, are less than the total of:

(a) the school taxes that would be levied by applying the tax rate fixed for the public school division to the taxable assessment of the separate school division; and

(b) the separate school division's share of taxes that would be collected from any bodies corporate without share capital that have not given notice pursuant to subsection (1).

(7) The proper assessor shall enter the body corporate as a public school taxpayer and a separate school taxpayer in the assessment roll with respect to the property assessed to it pursuant to subsection (5) or (6).

1995, c.E-0.2, s.305; 1999, c.16, s.11; 2009, c.13, s.34.

306 Repealed. 2000, c.42, s.5.

306.1 Repealed. 2009, c.15, s.16.

Correction and adjustment of assessments

307(1) Notwithstanding anything in this or any other Act, the minister, by order, may make any provision that he or she considers necessary for the making or correcting of the assessment or tax levy, or for the making of a new assessment or tax levy, where it is shown to the satisfaction of the minister that the assessment or tax levy of a school division:

- (a) has not been made in any year as provided by law; or
- (b) has been incorrectly or improperly made in any respect.

(2) Without limiting the generality of subsection (1), the minister, by order, may direct a municipality to pay to a school division, in accordance with the terms of the order, any sum that the minister considers necessary for the adjustment of accounts between the school divisions affected.

(3) The sum of money that the minister may order a municipality to pay pursuant to this section is to come from the taxes levied or to be levied on behalf of another school division.

1995, c.E-0.2, s.307.

308 Repealed. 1996, c.45, s.15.

Executions against board of education

309(1) A judgment against a board of education may be endorsed with a direction to the sheriff to levy the amount of the judgment by rate.

(2) The sheriff shall deliver a copy of the judgment and endorsement to the board of education with a statement in writing of:

- (a) the amount required to satisfy the judgment;
- (b) the amount for interest calculated to a date as near as is convenient to the day of service; and
- (c) the amount for the sheriff's fees.

(3) If the amounts mentioned in subsection (2) are not paid to the sheriff within 30 days after the day of service, the sheriff shall issue a precept directed to the board of education and shall by that precept, after reciting the judgment and that the board of education has failed to satisfy it, command the board of education to cause to be levied, at the time and in the manner required by law with respect to general school rates, a rate sufficient to provide for the amount due on the judgment and for the interest and sheriff's fees to the time when the rate may reasonably be expected to be available.

(4) Immediately after receipt of the precept, the board of education shall transmit to the clerk, secretary or secretary-treasurer of each municipality in which a part of the school division is situated:

- (a) a copy of the precept; and
- (b) a statement of the amount required to be levied in each municipality.

(5) At the time for levying the annual uniform rate next after the receipt of the precept, the clerk, secretary or secretary-treasurer of the municipality shall add a column in the tax roll for each judgment under the title "Judgment Rate of A.B. vs. Board of Education of the _____ School Division No. _____ of Saskatchewan" and shall insert the amount to be levied on each person respectively and shall levy the amount at the time and in the manner mentioned in subsection (3).

(6) When sufficient taxes for the purpose are received by the board of education, the board of education shall return the precept to the sheriff and at the same time remit to the sheriff the amount of the judgment.

(7) After satisfying the judgment and all fees related to it, the sheriff shall return within 10 days after receiving it any surplus to the board of education for the general purposes of the school division.

(8) For the purposes of carrying into effect, or permitting or assisting the sheriff to give effect to, the provisions of this Act with respect to any judgment enforcement, the chief financial officer of the board of education and the clerk, secretary or secretary-treasurer of each municipality affected are deemed to be officers of the court out of which the judgment issued.

(9) The officers mentioned in subsection (8) shall be subject to the court's direction to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed on them pursuant to this section.

1995, c.E-0.2, s.309; 2009, c.13, s.35; 2010, c.10, s.3.

GRANTS

Operating grants to boards of education

310 Subject to section 312 and the regulations, 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.

2017, c11, s.54.

Capital grants to boards of education

311 Subject to the regulations and any directive of the minister, the minister may make capital grants to a board of education to assist it in:

- (a) acquiring sites or buildings, by construction, purchase or lease, for the purposes of the school division;
- (b) acquiring furnishings and capital equipment necessary for the operation or renovation of school division facilities;

- (c) renovating existing sites or buildings for their continued use as school division facilities; or
- (d) if a school division is located in the Northern Saskatchewan Administration District, acquiring:
 - (i) sites or buildings, by construction, purchase or lease, for use as teachers' residences; or
 - (ii) furnishings and capital equipment necessary for the operation or renovation of teachers' residences.

2012, c.10, s.22.

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 following terms and conditions:
- (a) that the board of education, the school division and the schools of the school division must be organized, operated and maintained in accordance with this Act and the regulations;
 - (b) that the board of education must comply with every term and condition that may be imposed on the grant by this Act, the regulations or the minister;
 - (c) that the board of education shall use the grant only for the purpose for which it is made.

2009, c.15, s.17; 2017, c11, s.55.

312.1 Repealed. 2013, c.9, s.27.

Operating grants to conseil scolaire

313(1) Subject to subsections (2) to (4), section 315 and the regulations, the minister shall pay to the conseil scolaire an operating grant for the period commencing on April 1 in one year and ending on March 31 of the following year in an amount equal to the amount by which the recognized local expenditure of the conseil scolaire exceeds the recognized local revenue of the conseil scolaire.

- (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 francaskois 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) **Repealed.** 2017, c11, s.56.
- (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; 2017, c11, s.56.

Capital grants to the conseil scolaire

314 Subject to the regulations and any directive of the minister, the minister may make capital grants to the conseil scolaire to assist it in:

- (a) acquiring sites or buildings, by construction, purchase or lease, for the purposes of the division scolaire francophone;
- (b) acquiring furnishings and capital equipment necessary for the operation or renovation of division scolaire francophone facilities;
- (c) renovating existing sites or buildings for their continued use as division scolaire francophone facilities; or
- (d) if a francophone education area is located in the Northern Saskatchewan Administration District, acquiring:
 - (i) sites or buildings, by construction, purchase or lease, for use as teachers' residences; or
 - (ii) furnishings and capital equipment necessary for the operation or renovation of teachers' residences.

2013, c.9, s.28.

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 ministry or to the Ministry 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 following terms and conditions:

(a) that the conseil scolaire, the division scolaire francophone and the fransaskois schools of the division scolaire francophone must be organized, operated and maintained in accordance with this Act and the regulations;

(b) that the conseil scolaire must comply with every term and condition that may be imposed on the grant by this Act, the regulations or the minister;

(c) that the conseil scolaire shall use the grant only for the purpose for which it is made.

1995, c.E-0.2, s.315; 1998, c.21, s.110; 2012, c.10, s.23; 2013, c.9, s.29; 2017, c11, s.57.

Minister's powers re funding

315.1 If, in the opinion of the minister, a board of education or the conseil scolaire is in breach of any requirement of this Act, the regulations, any term or condition imposed on a grant, an agreement with the minister, a minister's approval or a minister's directive, the minister:

(a) may cease making any payment, or any part of a payment, that would otherwise be made to the board of education or conseil scolaire until the minister is satisfied that the board of education or conseil scolaire, as the case may be, has complied with this Act, the regulations, the terms or conditions of the grant, the agreement, the approval or the directive, as the case may be; and

(b) may retain the amounts of any payments mentioned in clause (a).

2013, c.9, s.30.

316 to 318 Repealed. 1998, c.21, s.111.

BORROWING POWERS OF BOARD OF EDUCATION
OR CONSEIL SCOLAIRE

Loans for current operating expenditures

319(1) Subject to subsection (2), a board of education or the conseil scolaire may, by resolution, authorize its chairperson and its chief financial officer to borrow, on behalf of the board of education or conseil scolaire, as the case may be, a sum of money that may be required to meet its current operating expenditures.

(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.

2012, c.10, s.24.

320 Repealed. 2017, c11, s.58.

Borrowing for capital expenditures

321(1) Subject to subsection (2), a board of education or the conseil scolaire may borrow money:

(a) to purchase or otherwise acquire, or to erect, repair, furnish, equip, move or add to, a building to be used for the purposes of the school division or the division scolaire francophone, as the case may be;

(b) to purchase or otherwise acquire or extend or improve a site for buildings mentioned in clause (a);

(c) to purchase vehicles for the transportation of pupils; or

(d) to consolidate the whole or any portion of the existing debt of the school division or the conseil scolaire with respect to capital works.

(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.

(3) **Repealed.** 2012, c.10, s.25.

(4) No moneys borrowed for any of the purposes mentioned in this section are to be used for any purpose other than that stated in the minister's consent.

(5) Notwithstanding subsection (4), if, on completion of the work for which a loan was obtained pursuant to this section, there remains an unexpended balance, the board of education or conseil scolaire shall use that balance to reduce the amount owing on the loan.

(6) **Repealed.** 2012, c.10, s.25.

(7) **Repealed.** 2012, c.10, s.25.

(8) **Repealed.** 2012, c.10, s.25.

2009, c.15, s.19; 2012, c.10, s.25; 2015, c.6, s.8.

322 Repealed. 2017, c11, s.59.

Resolution setting forth intent to borrow

323 If a board of education or the conseil scolaire intends to borrow money pursuant to section 321, the board of education or conseil scolaire shall pass a resolution showing in detail:

- (a) the amount proposed to be borrowed; and
- (b) the purposes for which the expenditure is to be made

2015, c.6, s.9.

324 Repealed. 2012, c.10, s.27.

Application to minister for authorization to borrow

325(1) On passing a resolution mentioned in section 323, or at any time after that date that the board of education or conseil scolaire considers appropriate, the board of education or conseil scolaire shall apply to the minister for authorization of a loan.

(2) On an application pursuant to subsection (1), the board of education or conseil scolaire shall transmit to the minister:

- (a) in the case of a board of education, a copy of the resolution signed by the chairperson of the board of education and certified by the chief financial officer under the corporate seal of the board of education; and
- (b) in the case of the conseil scolaire, a copy of the resolution signed by the président of the conseil scolaire and certified by the chief financial officer under the corporate seal of the conseil scolaire.

2012, c.10, s.28.

326 Repealed. 2012, c.10, s.29.

Action by minister

327(1) On receipt of an application and resolution mentioned in section 325, the minister shall take any action that the minister considers advisable.

(2) The minister shall immediately notify the board of education or conseil scolaire of the terms of the authorization if the loan is authorized.

(3) The minister shall cause notice of the authorization to be published in the Gazette.

1995, c.E-0.2, s.327; 2012, c.10, s.30.

328 Repealed. 2012, c.10, s.31.

Mortgages for housing

329(1) 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; 2017, c11, s.60.

POLL ON BYLAW

330 Repealed. 2012, c.10, s.33.

DEBENTURES

331 Repealed. 2012, c.10, s.34.

332 Repealed. 2012, c.10, s.34.

333 Repealed. 2012, c.10, s.34.

334 Repealed. 2012, c.10, s.34.

335 Repealed. 2012, c.10, s.34.

SINKING FUND

336 Repealed. 2012, c.10, s.35.

337 Repealed. 2012, c.10, s.35.

338 Repealed. 2012, c.10, s.35.

339 Repealed. 2012, c.10, s.35.

340 Repealed. 2012, c.10, s.35.

341 Repealed. 2012, c.10, s.35.

TEMPORARY LOAN ON DEBENTURES

342 Repealed. 2012, c.10, s.36.

PART VII

School Property

ACQUISITION AND DISPOSAL OF PROPERTY

School property to be vested

343(1) Subject to subsection (2), all buildings and land acquired by purchase, gift or devise for the purposes of a school division or the conseil scolaire are vested in the board of education or the conseil scolaire, as the case may be.

(2) All buildings and land mentioned in subsection (1) vested in a board of education or the conseil scolaire may be used only if the board of education or the conseil scolaire has obtained the approval of the minister.

2009, c.15, s.21.

Acquisition of property

344(1) Subject to the regulations, a board of education or the conseil scolaire may 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.

Expropriation

345(1) A board of education may enter on and expropriate any real property that may be considered by the Saskatchewan Municipal Board to be necessary for the uses of the school division.

(2) Where real property is expropriated pursuant to subsection (1), the board of education shall pay compensation to any person who may be entitled to it.

(3) Where the board of education expropriates land pursuant to subsection (1), the registered owner of the real property, on written demand authorized by a resolution of the board of education, shall execute and deliver to the board of education a transfer to the board of education of the real property.

(4) Where a property owner mentioned in subsection (3) fails to transfer the real property, the Saskatchewan Municipal Board shall submit to the Land Titles Registry an application for registration of a transfer of title, accompanied by a notice signed by the chairperson of the board of education, that the real property described in the notice is expropriated.

(5) An application for registration of a transfer of title described in subsection (4) must be registered in the Land Titles Registry in the name of the board of education mentioned in subsection (4).

(6) If no mutual agreement as to the amount of compensation is arrived at within a period of 60 days from the date of the expropriation pursuant to subsection (1), the amount shall be determined by two arbitrators, one of whom is to be appointed by the board of education and the other by the registered owner of the land expropriated.

(7) The two arbitrators have the power to appoint an umpire.

(8) *The Arbitration Act, 1992* applies to an arbitration pursuant to this section.

1995, c.E-0.2, s.345; 2000, c.70, s.8.

Expropriation of land on which school buildings are situated

346(1) Subject to the approval of the Saskatchewan Municipal Board, a board of education may enter on and expropriate any real property that is not more than one hectare in area within the school division on which a school building, teacher's residence or other building used for the purposes of the school division is situated and is erected or acquired by the board of education.

(2) Section 345 applies, with any necessary modification, but, for the purposes of determining the amount of compensation for the land, the buildings mentioned in subsection (1) are not deemed to be a part of the real property and their value is not to be taken into consideration.

1995, c.E-0.2, s.346.

Disposal of real and personal property

347(1) Subject to subsections (2) and (3), a board of education or the conseil scolaire may dispose of, through sale, lease or demolition, any of its real or personal property.

(2) A board of education or the conseil scolaire shall obtain the approval of the minister before selling, leasing or otherwise disposing of an interest in real or personal property for an amount that exceeds the amount prescribed in the regulations.

(3) Subject to subsection (4.1), if the real or personal property is appraised at a value exceeding the amount prescribed in the regulations, or appears likely to be sold for more than the amount prescribed in the regulations, the board of education or conseil scolaire shall:

- (a) advertise the sale of the property in at least two issues of a newspaper circulating in the school division or division scolaire francophone, as the case may be;
- (b) request tenders or arrange for a public auction; and
- (c) accept a tender or bid only if:
 - (i) in the case of a board of education, the board of education is of the opinion that the interests of the school division in the property are adequately protected;
 - (ii) in the case of the conseil scolaire, the conseil scolaire is of the opinion that the interests of the division scolaire francophone in the property are adequately protected; and
 - (iii) the approval of the minister has been obtained, when required.

(4) **Repealed.** 1998, c.21, s.118.

(4.1) A board of education or the conseil scolaire may, in the following circumstances, sell, transfer or exchange its property without requesting tenders or arranging for a public auction:

- (a) if the board of education or conseil scolaire enters into an agreement with the council of a municipality to sell or transfer its property to, or exchange its property with, the council of the municipality for the purposes of facilitating community planning or joint facilities;
- (b) if the board of education or conseil scolaire enters into an agreement with the other, or with another board of education, a registered independent school, an Indian band, the Crown in right of Saskatchewan, the Crown in right of Canada or any public agency approved by the minister, to sell or transfer its property to, or exchange its property with, the other party for use by the other party for the purposes of a school, an educational purpose or another public purpose.

(4.2) **Repealed.** 2012, c.10, s.38.

(5) Subject to the other provisions of this section, where a board of education or a conseil scolaire has agreed to sell a school that is located in the Northern Saskatchewan Administration District to an Entitlement Band and the board of education or the conseil scolaire and the Entitlement Band cannot agree on a purchase price, the board of education or the conseil scolaire or the Entitlement Band may submit the matter to the Arbitration Board established pursuant to the Framework Agreement, and the price determined by the Arbitration Board shall be binding on the board of education or the conseil scolaire and the Entitlement Band.

(6) For the purposes of subsection (5), “**Entitlement Band**” means any Indian band that is a party to the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by the Crown in right of Canada, the Crown in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands.

1995, c.E-0.2, s.347; 1998, c.21, s.118 and 127;
2000, c.10, s.14; 2009, c.15, s.22; 2012, c.10, s.38.

Inventory of property of division

348 Every board of education and the conseil scolaire shall prepare and regularly maintain an inventory of all lands, buildings, furnishings, furniture, appliances, equipment and supplies in any form and detail that the board of education or the conseil scolaire considers sufficient for the purposes of property control and management and for its purposes in financial planning.

1995, c.E-0.2, s.348; 1998, c.21, s.119.

349 Repealed. 2012, c.10, s.39.

SCHOOL BUILDINGS

Location of buildings

350(1) Subject to the regulations, if it is determined by a resolution of a board of education or the conseil scolaire that a new building is required for the purposes of the school division or division scolaire francophone, the board of education or conseil scolaire shall:

- (a) decide where the building is to be situated; and
- (b) acquire the land necessary to be used as the site for that building.

(2) Subject to the regulations, if it is determined by a resolution of a board of education or the conseil scolaire that a new teachers' residence is required in a school division or francophone education area located in the Northern Saskatchewan Administration District, the board of education or conseil scolaire shall:

- (a) decide where the building is to be situated; and
- (b) acquire the land necessary to be used as the site for that building.

2012, c.10, s.40.

Construction plans

351(1) If a board of education or the conseil scolaire passes a resolution pursuant to section 350, or if a board of education or the conseil scolaire passes a resolution to undertake an addition to or major renovation of one of its buildings, the board of education or conseil scolaire shall submit to the minister, in the form required by the minister, a description of the construction mentioned in that resolution with respect to:

- (a) location of the new construction and service area of the building;
- (b) proposed uses for the building;
- (c) in the case of a school building, enrolment projections and classes to be enrolled;
- (d) general specifications and space requirements of the building;
- (e) estimated project cost;
- (f) financing of construction; and
- (g) tentative schedule of construction.

(2) On receipt of the information mentioned in subsection (1), the minister:

- (a) shall review the proposal in consultation with the board of education or conseil scolaire; and
- (b) subject to the regulations, may approve the project for detailed planning of specifications and financing.

(3) A board of education or the conseil scolaire shall not call for tenders for the purchase of materials or for construction until the minister approves final plans and specifications with respect to:

- (a) the building;
- (b) the building site; and
- (c) the financial arrangements pertaining to them.

2012, c.10, s.40.

352 Repealed. 2012, c.10, s.41.

Building specifications

353 Plans and specifications of buildings to be used for the purposes of a school division or the division scolaire francophone must conform to all applicable laws, including those respecting:

- (a) size, location and condition of the building and building site;
- (b) construction standards and general design;

(c) standards required for heating, lighting, ventilation, sanitation, acoustics, fire protection, safety and adequacy of accommodation for the users of the building; and

(d) provisions for laboratories, libraries, shops and other ancillary accommodations required for the program plans of the board of education or conseil scolaire.

2012, c.10, s.42.

SCHOOL VEHICLES

Transportation services

354 A board of education or the conseil scolaire 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 to and from school for pupils or for children attending kindergarten or prekindergarten programs; or

(b) subject to section 355, enter into a contract for the provision of the transportation services mentioned in clause (a).

2017, c11, s.62.

Tenders required

355(1) A board of education or the conseil scolaire shall call for tenders before entering into a contract for the provision of transportation services at a cost exceeding the amount prescribed in the regulations.

(2) In the call for tenders mentioned in subsection (1), a board of education or the conseil scolaire shall specify the requirements of the contract for the provision of transportation services with respect to the vehicles desired or the services to be provided.

1995, c.E-0.2, s.355; 1998, c.21, s.121 and 127;
2000, c.10, s.17; 2012, c.10, s.44.

Specification of vehicles

356(1) Specifications with respect to design, equipment and safety features of buses or other vehicles used for the transportation of pupils, whether owned by the school division or the conseil scolaire or provided by a contractor, must conform with:

(a) the regulations; and

(b) the regulations made pursuant to *The Traffic Safety Act*, where applicable.

(2) Inspection and maintenance of the vehicles used for transportation of pupils, the qualifications and licensing of drivers of those vehicles, the duties of drivers and the procedures for the safety of pupils in transit, must conform with:

(a) the regulations; and

(b) the regulations made pursuant to *The Traffic Safety Act*, where applicable.

1995, c.E-0.2, s.356; 2004, c.67, s.5.

PART VIII
General

Rights of minorities

357(1) Nothing in this Act affects any right conferred by *The School Act* on any minority of electors in any school 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; 2017, c11, s.63.

Information respecting certain schools and institutions

358(1) Subject to the regulations, the operator of a registered independent school, or of an educational institution that provides educational services to pupils in courses of instruction prescribed pursuant to this Act, shall furnish information to the ministry in the form and at any time that the minister may require with respect to the pupils, teachers, curriculum, facilities and equipment of that registered independent school or other educational institution.

(2) Subject to the regulations, the operator of every registered independent school or of an educational institution mentioned in subsection (1) is obligated to allow any inspection that the minister considers necessary.

1995, c.E-0.2, s.358; 2005, c.11, s.23; 2017, c11, s.66.

Extension of time

359(1) If a thing required by or pursuant to this Act to be done at or within a fixed time cannot be or is not done, the minister, by order, may prescribe a further or other time for doing the thing, whether or not the time within which it ought to have been done has or has not expired.

(2) A thing done within the time prescribed by an order pursuant to subsection (1) is deemed to have been done within the time fixed by or pursuant to this Act.

1995, c.E-0.2, s.359.

Orders not invalid for irregularity

360(1) No order purporting to be made pursuant to this Act and being within the powers conferred by this Act is deemed to be invalid on account of non-compliance with any of the conditions required by this Act as preliminary to the order.

(2) No misnomer, inaccurate description or omission in an order shall in any way suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted.

1995, c.E-0.2, s.360.

Correction of errors in orders

361(1) Any misdescription or other error in an order made by the minister or in an order made or proclamation issued by the Lieutenant Governor in Council pursuant to this Act, or by any person pursuant to the provisions of any other Act respecting schools at any time in force in Saskatchewan, may be corrected and confirmed by a subsequent order.

(2) Any correction or confirmation made pursuant to subsection (1) may be made effective on and from the day on which the original order was made or issued.

1995, c.E-0.2, s.361.

362 Repealed. 2013, c.9, s.31.

Unregistered independent school

363 A person who operates an unregistered independent school in contravention of the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$100 for each day or part of a day during which the offence continues.

2013, c.9, s.32.

Offences and penalties

364(1) A person who contravenes any provision of this Act or the regulations for which no other penalty is imposed is guilty of an offence and liable on summary conviction:

- (a) for a first offence, to a fine of not more than \$5,000; and
- (b) for a second or subsequent offence, to a fine of not more than \$10,000.

(2) Where a company contravenes this Act, every director, officer or agent of the company who directed, authorized, assented to or acquiesced or participated in the commission of the offence is guilty of an offence and liable on summary conviction to the penalty provided for the offence, whether or not the company has been prosecuted or convicted.

1995, c.E-0.2, s.364; 2013, c.9, s.33.

365 Repealed. 2013, c.9, s.34.

False returns

366 A person who signs a statement, declaration, return or other document prescribed by this Act, or by the minister pursuant to this Act, and who wilfully and knowingly makes any false statement in the statement, declaration, return or other document is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

1995, c.E-0.2, s.366; 2013, c.9, s.35.

Disturbing schools or meetings

367 Any person who does one of the following is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000:

- (a) as an agent or salesperson, enters the premises of any school in a school division without the authorization of the chairperson of the board of education or the director;
- (b) as an agent or salesperson, enters the premises of any francophone school in the division scolaire francophone without the authorization of the président of the conseil scolaire, the conseil d'école or the director;
- (c) wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act;
- (d) wilfully interrupts or disquiets any school by rude or indecent behaviour or by loitering, whether within the school or on school premises or so near as to disturb the orderly operation of the school.

1995, c.E-0.2, s.367; 1998, c.21, s.123; 2013, c.9, s.36.

Sales commission prohibited

368(1) No member of a board of education or teacher or officer of a school division shall receive any remuneration, either directly or indirectly, as agent for the sale of furnishings, apparatus or equipment or any other merchandise for the use of a school division of which he or she is a member of the board of education or a teacher or officer.

(2) No person shall employ as agent for the sale of the merchandise mentioned in subsection (1) any member of a board of education or any teacher or officer.

(3) No member of the conseil scolaire or teacher or officer of the conseil scolaire shall receive any remuneration, either directly or indirectly, as agent for the sale of furnishings, apparatus or equipment or any other merchandise for the use of the conseil scolaire.

(4) No person shall employ as agent for the sale of merchandise mentioned in subsection (3) any member of the conseil scolaire or any teacher or officer.

(5) Any person who contravenes a provision of this section is disqualified from holding his or her office or position.

1995, c.E-0.2, s.368; 1998, c.21, s.124; 2013, c.9, s.37.

Preservation of documents

369(1) A board of education shall preserve all public documents of a school division or school community council until their disposal is:

- (a) authorized by a resolution of the board of education; and
- (b) approved by the minister.

(2) The conseil scolaire shall preserve all public documents of the conseil scolaire and the conseils d'écoles that pertain to activities pursuant to this Act until their disposal is:

- (a) authorized by a resolution of the conseil scolaire; and
- (b) approved by the minister.

(3) With the consent of the Provincial Archives of Saskatchewan, a board of education or the conseil scolaire may deposit any of its non-current documents with the Provincial Archives of Saskatchewan for preservation in the archives.

1995, c.E-0.2, s.369; 1998, c.21, s.125; 2006, c.18, s.31; 2015, c.3, s.2.

Immunity

369.1 No action or proceeding lies or shall be commenced against the minister, the Government of Saskatchewan, a person appointed as an official trustee pursuant to clause 4(1.1)(j), or any employee or agent of the Government of Saskatchewan 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 or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

2017, c11, s.64.

Regulations

370(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing additional powers of the minister;
- (c) respecting the establishment and disestablishment of school divisions;
- (d) respecting the alteration of boundaries of school divisions and subdivisions, subject to subsection 54(2);
- (e) respecting the administration of school divisions;
- (f) respecting the establishment, amalgamation and disestablishment of boards of education;
- (g) governing:
 - (i) the composition of boards of education;
 - (ii) the eligibility requirements, election procedures and terms of office of members of boards of education; and
 - (iii) the disqualification of members;
- (h) respecting the powers and responsibilities of boards of education and the conseil scolaire;

- (i) generally governing the activities and affairs of boards of education and the conseil scolaire;
- (j) respecting the establishment, powers and responsibilities of joint boards and the procedures applicable to joint boards;
- (k) respecting the election of members of the conseil scolaire;
- (l) respecting election procedures and terms for conseils d'écoles;
- (m) respecting any matter pertaining to the governance of francophone schools, including the activities of the conseil scolaire or the conseils d'écoles;
- (n) governing members of boards of education and the conseil scolaire, including prescribing or otherwise governing:
 - (i) the responsibilities and liabilities of members;
 - (ii) conflicts of interest of members;
 - (iii) the remuneration and reimbursement of expenses payable to members;
- (o) excluding any program that is offered in or outside Saskatchewan from the definition of 'French immersion program';
- (p) prescribing and requiring the use of forms for the purposes of this Act or the regulations;
- (q) prescribing any electronic means that may be used for holding meetings pursuant to section 80.1 and the procedures to be followed;
- (r) respecting the classification, organization, administration and supervision of all schools pursuant to this Act;
- (s) governing the procedures to be followed by boards of education in:
 - (i) conducting school reviews;
 - (ii) closing schools;
 - (iii) discontinuing one or more grades taught in a school;
- (t) with respect to independent schools:
 - (i) governing 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;
 - (ii) classifying registered independent schools;
 - (iii) governing the administration and operation of registered independent schools or any class of them, including requiring registered independent schools or any class of them to submit reports to the minister respecting the operation of the schools and prescribing the times within which the reports shall be submitted and the manner of their submission;

(iv) providing for the suspension or deregistration of registered independent schools or any class of them, including prescribing the grounds for which a registered independent school or any class of them may be suspended or deregistered, and prescribing the procedure for:

(A) suspending or deregistering registered independent schools or any class of them; or

(B) reinstating the registration of independent schools, the registrations of which have been suspended or deregistered pursuant to paragraph (A);

(u) with respect to home-based education programs:

(i) governing the registration, suspension or deregistration of home-based education programs;

(ii) providing for and governing the monitoring of registered home-based education programs;

(iii) providing for and governing the maintenance, and the provision to the ministry and others, of records, reports and information relating to registered home-based education programs;

(iv) 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;

(v) governing the operation of registered home-based education programs;

(v) respecting the classification of pupils and educational programs pertaining to the programs of studies from kindergarten to Grade 12;

(w) providing for and governing the funding and operation of prekindergarten programs by boards of education and the conseil scolaire;

(x) respecting achievement standards and procedures for evaluation of learning and progress of pupils;

(y) for the purposes of section 178:

(i) respecting assessments for determining those pupils who are pupils with intensive needs;

(ii) respecting any criteria the minister must consider when establishing a guideline for assessments;

(iii) prescribing requirements for entering into agreements pursuant to section 178;

(iv) 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;

(v) respecting the provision of educational services to pupils with intensive needs;

- (z) respecting the conduct of reviews pursuant to section 178.1;
- (aa) for the purposes of section 271:
 - (i) governing the appointment or election of members of the Teacher Classification Board; and
 - (ii) respecting the manner in which the affairs of the board are to be conducted;
- (bb) respecting professional development programs for teachers that are conducted under the auspices of the ministry or in cooperation with all or any of the following:
 - (i) organizations of teachers;
 - (ii) organizations of boards of education;
 - (iii) the conseil scolaire;
- (cc) generally for the purpose of carrying out the provisions of this Act with respect to bargaining collectively;
- (dd) respecting the acquisition, location, specifications, financing, furnishing, maintenance, use and disposition of school buildings and other building facilities ancillary to the educational affairs of the school division or the conseil scolaire;
- (ee) respecting the acquisition, specifications, financing, maintenance, use and disposition of equipment and supplies of the school division or the conseil scolaire, including vehicles used for school transportation services;
- (ff) respecting the provision of school transportation services, including the maintaining of accurate records by boards of education and the conseil scolaire specifying, with respect to the provision of school transportation services:
 - (i) the number of persons served;
 - (ii) the distances travelled;
 - (iii) the cost of transportation services; and
 - (iv) any other related information required by the minister;
- (gg) prescribing the terms and conditions under which textbooks, library books, reference books and other learning resources are provided without cost to pupils;
- (hh) 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;
- (ii) prescribing the qualifications of persons employed as educational assistants and the conditions of employment and general duties of those persons;

- (jj) prescribing the qualifications of persons appointed to perform the function of chief financial officer for a board of education or the conseil scolaire;
- (kk) 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;
- (ll) respecting the use of languages other than English as languages of instruction;
- (mm) 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;
- (nn) respecting the developing and equipping of and standards governing school libraries and learning resource centres;
- (oo) 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;
- (pp) 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;
- (qq) 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 ministry;
- (rr) providing for the establishment and administration, under the control of the ministry, of schools for pupils with intensive needs;
- (ss) governing the preparation and submission of budget estimates by boards of education and the conseil scolaire pursuant to section 280;
- (tt) respecting any matter mentioned in subsections 295(2) and (4);
- (uu) generally for the purpose of carrying out the provisions of this Act with respect to the payment of grants;
- (vv) 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 board of education and the board of education's revenues and the amount of any grant, including authorizing the minister to determine the manner in which local expenditures and revenues may be calculated; and

- (iii) prescribing the minimum or maximum amount of any operating grant to be paid pursuant to section 310 to a board of education;
- (ww) prescribing amounts for the purposes of sections 344, 347 and 355;
- (xx) 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;
- (yy) prescribing duties for boards of education regarding school community councils;
- (zz) 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);
- (aaa) 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);

- (bbb) respecting the payment by the minister of scholarships, bursaries or similar awards to pupils, including the number of awards that the minister may make each year and the amount of the awards;
- (ccc) governing the procedure to be followed with respect to any proceeding or thing authorized by this Act in any case in which the provisions of this Act are, in the opinion of the minister, insufficient or inapplicable;
- (ddd) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (eee) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) A regulation made pursuant to clause (1)(uu) or (vv) 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.

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; 2017, c11, s.65.

PART IX

Repeal

371 *Dispensed.* This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

Coming into force

372 This Act comes into force on proclamation.

1995, c.E.02, s.372.