


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 2005, c.10, 11 and 21.

***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*.

Interpretation

2 In this Act:

“**academic year**” means that portion of a school year commencing on the first school day and ending on the last school day of that school year, as those dates are determined by the board of education of the school division or the conseil scolaire for the francophone education area pursuant to section 164; (*«année d’enseignement»*)

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

“**attendance area**” means:

- (a) with respect to a school operated by a board of education:
 - (i) the school division, where the school is the only school operated by the board of education in the school division; or
 - (ii) the portion of the school division that is designated by the board of education as the attendance area for the school;
- (b) with respect to a fransaskois school, the portion of the francophone education area in which the fransaskois school is located that is designated by the conseil scolaire as the attendance area for that fransaskois 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 the setting out in written form the terms of agreement arrived at in negotiations or required to be incorporated in a collective bargaining agreement by this Act; (*«négociation collective»*)

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

“**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 seven 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 fransaskois school; (*«conseil d’école»*)

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

“council” means the Educational Council continued pursuant to section 12; (*«conseil»*)

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

“director” means a director of education appointed by:

- (a) a board of education; or
- (b) the conseil scolaire; (*«directeur»*)

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

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

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

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

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

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

“Framework Agreement” means:

- (a) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands;
- (b) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right of Canada, Her Majesty in right of Saskatchewan and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band; and

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

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

- (a) courses are taught primarily in French;
- (b) the language of communication with pupils and parents is predominantly French; and
- (c) the French language is used and developed as a first language in instruction and in school activities; (*«école fransaskoise»*)

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

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

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

“guardian” means:

- (a) with respect to a child of compulsory school age who attends a school other than a fransaskois school, a person who is not the natural parent of the child and who has been made responsible for the care of the child, and includes:
 - (i) a person who has lawfully and formally received the child to reside in his or her home and to be in his or her care or custody for the time being or until the child reaches the age of majority; and
 - (ii) a person appointed or recognized in law as a guardian of the child; or
- (b) with respect to a child of compulsory school age who attends a fransaskois school, a person who is not the natural parent of the child and who is appointed or recognized in law as a guardian of the child; (*«tuteur»*)

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

- (a) that is provided to a pupil who has attained the age of six years but has not attained the age of 18 years;
- (b) that is started at the initiative of and is under the direction of the parent or guardian of the pupil; and

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

“independent school” means an institution:

- (a) in which instruction is provided to pupils of compulsory school age; and
- (b) that is controlled and administered by a person other than a public authority; (*«école indépendante»*)

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

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

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

“local school advisory committee” means a local school advisory committee established pursuant to section 135 or 136; (*«comité consultative scolaire local»*)

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

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

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

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

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

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

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

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

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

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

“pupil” means a person:

- (a) who is enrolled in a school or registered independent school; or
- (b) who is receiving instruction in a registered home-based education program;

and includes any person who is of compulsory school age; (*«élève»*)

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

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

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

“school” means a body of pupils that is organized as a unit for educational purposes under the jurisdiction of a board of education, of the conseil scolaire, or of the department and that comprises one or more instructional groups or classes, together with the principal and teaching staff and other employees assigned to that body of pupils, and includes the land, buildings or other premises and permanent improvements used by and in connection with that body of pupils, but does not include an independent school; (*«école»*)

“school day” means a day within a school year on which instruction is given or examinations or other educational activities are conducted and includes emergency closures and days authorized by a board of education or the conseil scolaire, as the case may be, for the purposes of educational conferences, meetings and conventions; (*«jour de classe»*)

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

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

“secretary” means a person appointed as secretary of a school division or of the division scolaire francophone pursuant to clause 107(2)(a); (*«secrétaire»*)

“secretary-treasurer” means a person appointed as secretary-treasurer of a school division or of the division scolaire francophone pursuant to clause 107(2)(b); (*«secrétaire-trésorier»*)

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

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

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

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

“teacher” means a person holding a valid certificate of qualification to teach in schools in Saskatchewan; (*«enseignant»*)

“teacher aide” 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; (*«aide-enseignant»*)

“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»*)

“treasurer” means a person appointed as treasurer of a school division or of the division scolaire francophone pursuant to clause 107(2)(a); (*« trésorier »*)

“trustee” means a member of:

- (a) a board of trustees;
- (b) a conseil d’école;
- (c) a board of education;
- (d) the conseil scolaire; (*«conseiller»*)

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

“voter” means a person:

- (a) who is a minority language adult;
- (b) who is a resident of Saskatchewan whose current period of residency in Saskatchewan has been for not less than six consecutive months;
- (c) who is registered in accordance with the regulations; and
- (d) who:
 - (i) has a child who is enrolled in a fransaskois 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.

PART II

Provincial Administration

MINISTER

Responsibilities

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

(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 courses of study or curriculum guides pertaining to courses of instruction authorized pursuant to the regulations with respect to kindergarten, elementary and secondary schools;

(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 curriculum resource material, apparatus, equipment and other materials that the minister may prescribe, approve or recommend for use in schools;

(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 for the classification and certification 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.

Powers of minister**4(1)** The minister may:

- (a) appoint an official trustee to hold office as a member of a board of education or the conseil scolaire to exercise the powers and duties otherwise vested in the board of education or the conseil scolaire pursuant to this Act for any period the minister considers necessary;
- (b) appoint one or more persons to advise him or her with respect to approval of plans for the location, specifications, financing, furnishing and maintenance of school buildings;
- (c) subject to the approval of the Lieutenant Governor in Council and notwithstanding any other provision of this Act, make provision for the establishment and operation of experimental and special schools;
- (d) suspend or cancel, for cause, any certificate granted pursuant to the regulations;
- (e) recommend textbooks and other learning resource material, teacher references, apparatus and equipment that the minister considers necessary to ensure an optimum quality of instructional services in schools;
- (f) prescribe the subjects of instruction and issue courses of study for each year or grade from kindergarten to Grade 12, or any combination of those grades as may be classified as Elementary, Middle and Secondary Levels, for all schools;
- (g) prescribe compulsory and optional subjects and course requirements for completion of a grade or year of study;
- (h) authorize a course of study developed by a school and approved by the board of education or the conseil scolaire to be taught as an alternative, or in addition, to a course or courses prescribed by the department;
- (h.1) establish policies with respect to the co-ordination, administration or provision of educational programs for children who are not yet eligible to be enrolled in kindergarten in a school;
- (i) make provision for the training of teachers, including those required for new or special programs or services to pupils;
- (j) notwithstanding any other provision of this Act, where the minister considers it advisable and in the interests of education to do so, by order, alter the boundaries of any school division that is not a separate school division;
- (k) approve the form of the register of attendance and the manner of its use in recording the daily attendance of pupils;
- (l) prescribe the form in which enrolment and attendance data are to be submitted to the department;
- (m) make arrangements for the education of children resident in any portion of the Northern Saskatchewan Administration District in any school division under the jurisdiction of the department or in any similar school division in Manitoba or Alberta;
- (n) make provision for the registration of independent schools;

- (o) make provision for the inspection and supervision of registered independent schools;
 - (p) make provision for the registration of home-based education programs;
 - (q) make provision for the monitoring of registered home-based education programs;
 - (r) subject to the regulations, establish policies relating to the administration of registered home-based education programs by boards of education and the conseil scolaire;
 - (s) subject to the regulations, make grants for the provision or enhancement of language education programs.
- (2) A person who is appointed by the minister pursuant to clause (1)(a) shall receive remuneration determined by the Lieutenant Governor in Council and paid by the minister.
- (3) The minister may:
- (a) purchase and sell to schools or any person textbooks, library or reference books, 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 material related to courses of study.
- (4) For the purposes of subsection (3), the minister may:
- (a) establish one or more branches of the department to carry out the functions described in subsection (3);
 - (b) enter into agreements with:
 - (i) publishers with respect to the publication of textbooks or printed material and the terms and conditions pursuant to which the textbooks or printed material may be purchased by the minister, a board of education, the conseil scolaire or any person; and
 - (ii) suppliers of films, slides or other audio-visual equipment or materials with respect to the terms and conditions pursuant to which the equipment 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, learning resource material, 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.

Prince of Wales Scholarship Fund

4.1(1) In this section:

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

“**fund**” means the Prince of Wales Scholarship Fund established pursuant to this section. (« *fonds* »)

- (2) The Prince of Wales Scholarship Fund is established.
- (3) The minister shall administer the fund in accordance with this Act and the regulations.
- (4) The fund consists of:
 - (a) all moneys appropriated by the Legislature for the purposes of the fund;
 - (b) all earnings on investments of the fund; and
 - (c) all other moneys received by the minister by way of grant, bequest, donation or otherwise for the purposes of the fund.
- (5) Subject to the terms of any trust pursuant to which money to be invested is held by the minister, the minister may:
 - (a) invest any moneys in the fund in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
 - (b) dispose of any investment made pursuant to clause (a), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers advisable.
- (6) Subject to the provisions of this Act, the regulations, and any orders that may be made and any directives that may be issued by Treasury Board, the minister may make disbursements from the fund for:
 - (a) making payments by way of scholarships to pupils; and
 - (b) paying the expenses of administering the fund.
- (7) The minister may enter into any agreement with any person, government, agency, organization, association, institution or body that the minister considers advisable with respect to any matter concerning the administration of the fund.
- (8) When providing scholarships pursuant to the fund, the minister shall consider the directions of the persons who have made gifts to the fund, but the minister is not bound by those directions.
- (9) The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.
- (10) The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the fund:
 - (a) annually; and
 - (b) at any other times that the Lieutenant Governor in Council may require.

(11) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister:

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

(12) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (11).

2002, c.29, s.3.

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 of commissioners appointed pursuant to *The Public Inquiries Act* 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.

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 and materials, including educational programs and materials that will be used for educational purposes not related to elementary or secondary education.

- (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.

Copyright licence agreements

9(1) In this section, “**educational institution**” includes a board of education, the conseil scolaire and an independent school.

(2) Where, pursuant to an agreement entered into by the minister, an educational institution is granted the right or authority to reproduce or use any works in which copyright subsists, an educational institution that reproduces or uses works pursuant to the agreement shall:

- (a) comply with the terms, conditions and restrictions relating to the reproduction or use of the works pursuant to the agreement;
- (b) provide to the minister any information, documents, notices, copies of works or other materials required to be obtained by the minister from the educational institution for the purposes of 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).

(3) Any amount for which an educational institution is required to indemnify the minister pursuant to subsection (2) is a debt due to the Crown in right of Saskatchewan.

(4) Any debt due to the Crown in right of Saskatchewan pursuant to subsection (3) 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.

1995, c.E-0.2, s.9; 1998, c.21, s.128; 2000, c.10, s.7.

10 Repealed. 2005, c.11, s.5.**Correspondence School Revolving Fund**

11(1) In this section, “**revolving fund**” means the Saskatchewan Correspondence School Revolving Fund continued pursuant to subsection (2).

- (2) The Saskatchewan Correspondence School Revolving Fund is continued.
- (3) The minister shall administer the revolving fund.
- (4) The minister may use the revolving fund:
 - (a) to operate the Saskatchewan Correspondence School; and
 - (b) to provide educational courses to all areas of Saskatchewan through the use of distance-education technology.
- (5) Subject to subsection (12), the Minister responsible for the administration of *The Financial Administration Act, 1993* shall pay out of the general revenue fund on behalf of the revolving fund any moneys that the minister may require:
 - (a) to purchase or lease any machinery and equipment necessary to produce, store, duplicate and distribute print and non-print materials required for the provision of educational services by the Saskatchewan Correspondence School;
 - (b) to purchase any supplies required for the operation, maintenance and repair of the machinery and equipment mentioned in clause (a);
 - (c) to purchase, produce, store, sell or distribute any print or non-print materials required for the provision of educational services by the Saskatchewan Correspondence School;
 - (d) to purchase or lease any motor vehicles that are required for the provision of educational services by the Saskatchewan Correspondence School;
 - (e) to pay the costs for the motor vehicles mentioned in clause (d) for:
 - (i) any supplies necessary for their operation; and
 - (ii) any necessary maintenance and repair;
 - (f) to pay for labour, supervisory and administrative costs associated with:
 - (i) the provision of educational services by the Saskatchewan Correspondence School; and
 - (ii) the administration of the revolving fund.
- (6) The minister shall pay to the general revenue fund all or any part of any surplus in the revolving fund that Treasury Board may direct.
- (7) Where the minister provides goods and services through the revolving fund, the minister may charge a fee to recover the amounts incurred by the revolving fund to provide those goods and services.
- (8) Where the minister charges a fee pursuant to subsection (7), the minister shall include any additional amounts that Treasury Board may direct.
- (9) Subject to subsection (10), all amounts received pursuant to this section are to be paid to the Minister of Finance and credited to the revolving fund.

(10) Any amounts received pursuant to subsection (8) are to be paid to the Minister of Finance and credited to the general revenue fund.

(11) Subject to any terms and conditions that Treasury Board may impose, the minister may sell, rent, lease or otherwise dispose of property and assets acquired by the minister through the revolving fund.

(12) The sum of:

(a) all liabilities due to the Minister responsible for the administration of *The Financial Administration Act, 1993* from the revolving fund on the day this section comes into force; and

(b) any payments made by the Minister responsible for the administration of *The Financial Administration Act, 1993* on behalf of the revolving fund;

less any amounts credited to the revolving fund is not to exceed an amount that may be set by order of the Lieutenant Governor in Council.

(13) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister a financial statement showing the business of the revolving fund for the preceding fiscal year.

(14) The financial statement mentioned in subsection (13) is to be in the form required by Treasury Board.

(15) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (13).

1995, c.E-0.2, s.11.

EDUCATIONAL COUNCIL

Educational Council continued

12(1) The Educational Council is continued and is to consist of no fewer than five persons appointed by the minister, at least two of whom must be Roman Catholic.

(2) Each member of the council is to be appointed for a term of two years and is eligible to be reappointed for a second and a third term, but is not eligible for reappointment after a third term until one year has expired from the day on which the member had served for six consecutive years.

(3) Each member of the council is to receive any remuneration as may be determined by the Lieutenant Governor in Council.

1995, c.E-0.2, s.12.

Meetings of council

13 Meetings of the council are to be held at the times and places that may be determined by the council, but at least one meeting is to be held in each year.

1995, c.E-0.2, s.13.

c. E-0.2

EDUCATION, 1995

Responsibilities and powers of council**14** The council:

- (a) shall consider and advise the minister on matters referred to it by the minister;
- (b) shall review and assess the validity of the aims and objectives of the educational system and advise the minister of its views and recommendations in that regard;
- (c) may, as it considers advisable and with the approval of the minister, initiate studies of matters related to education in Saskatchewan, and shall report its findings and recommendations arising from those studies to the minister.

1995, c.E-0.2, s.14.

CONSEIL GÉNÉRAL

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

EDUCATIONAL BOUNDARIES COMMISSION

Educational Boundaries Commission constituted

37(1) The Lieutenant Governor in Council may appoint an Educational Boundaries Commission consisting of at least three members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall name one member of the Educational Boundaries Commission as chairperson.

(3) Each member of the commission is to be appointed for a term of three years and is eligible to be reappointed for a second term, but is not eligible for reappointment after the person's second term until one year has expired from the day on which the person had served for six consecutive years.

(4) The chairperson of the commission is to preside at all meetings, but in the case of illness or absence another member of the commission may act in his or her place.

(5) The commission may establish its own procedures with respect to the general performance of its duties, the procurement of information, consultations and hearings.

1995, c.E-0.2, s.37.

Duties and powers of Educational Boundaries Commission**38** The Educational Boundaries Commission:

- (a) shall consider any matter, question or issue referred to it by the minister concerning the alteration of boundaries of school divisions and of subdivisions;
- (b) may make recommendations to the minister with respect to any matter, question or issue referred to it by the minister;

(c) may advise the minister with respect to boundary changes to the extent that they are affected by economic trends, population changes, growth of school enrolments and other factors that relate to the provision of educational services;

(d) may make recommendations with respect to research, studies or inquiries that, in its opinion, are necessary or desirable to the organization or reorganization of educational boundaries.

1995, c.E-0.2, s.38.

Meetings of Educational Boundaries Commission

39 The Educational Boundaries Commission shall meet at the call of the chairperson.

1995, c.E-0.2, s.39.

PART III

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

School divisions and sub-divisions

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

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

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

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

(4) The minister shall determine the boundaries of each sub-division created pursuant to this section in consultation with the Educational Boundaries Commission.

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

- (a) divide the entire school division into sub-divisions;
- (b) divide only that portion of the school division located outside the town or city into sub-divisions;

- (c) divide only that portion of the school division located inside the city or town into sub-divisions; or
 - (d) decide not to divide the school division into sub-divisions.
- (6) Where a school division is divided into sub-divisions pursuant to clause (5)(b):
- (a) one person is to be elected as a member of the board of education from each sub-division; and
 - (b) the other members of the board of education are to be elected at large from the area of the school division located in the town or city.
- (7) Where a school division is divided into sub-divisions pursuant to clause (5)(c):
- (a) the electors of each sub-division of the town or city shall elect one member as the member of the board of education for that sub-division; and
 - (b) the members of the board of education to be elected from the area of the school division outside the town or city are to be elected at large by the electors resident in the area outside that town or city.
- (8) Where the minister pursuant to clause (5)(d) decides not to divide a school division into sub-divisions:
- (a) the members of the board of education to be elected from the town or city are to be elected at large by the electors resident in that town or city; and
 - (b) the members of the board of education to be elected from the area of the school division outside the town or city are to be elected at large by the electors resident in the area outside that town or city.

1995, c.E-0.2, s.40; 1997, c.35, s.5; 1998, c.21, s.10.

Powers of minister to establish divisions

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

- (a) has the approval of the Lieutenant Governor in Council; and
 - (b) considers that establishing a school division is in the best interests of education in Saskatchewan.
- (2) A school division established pursuant to this section other than a separate school division may consist of all or any of the following:
- (a) all or any part of one or more existing public school divisions; and
 - (b) any area of Saskatchewan that is eligible to be in a school division and that is not included in an existing school division.
- (3) The minister shall establish a separate school division if:
- (a) a petition requesting establishment of the separate school division is submitted pursuant to subsection 49(3); and
 - (b) the electors eligible to vote approve the petition.
- (4) **Repealed.** 2005, c.11, s.6.

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

Order establishing school division – first election

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

- (a) assign a distinguishing name and number to the school division;
 - (b) state the date the school division is established;
 - (c) designate the boundaries of the school division;
 - (d) define, where applicable, the boundaries of the sub-divisions of the school division and assign a number to each of them;
 - (e) state the number of members, which shall be not less than five nor more than 10, that constitutes the board of education;
 - (f) provide for the holding of an election of the members of the board of education and for all matters necessary and incidental to the holding of that election, including:
 - (i) the designation of the date on which the newly elected members assume office;
 - (ii) the designation of the last date for the receipt of nominations;
 - (g) make provision for the vesting of assets and liabilities.
- (2) The term of office of members elected pursuant to clause (1)(f) expires at the first meeting of the board of education elected at the next general election held after the day on which those members assumed office.
- (3) Notwithstanding subsection (2) or any provision of *The Local Government Election Act*, if the first members of the board of education of a new school division assume office pursuant to subclause (1)(f)(i) between June 1, 2005 and January 1, 2006, inclusive:
- (a) no election of the board of education is to be held in that school division in October 2006 pursuant to *The Local Government Election Act*; and
 - (b) the term of office of those members expires at the first meeting of the board of education elected in October 2009 pursuant to *The Local Government Election Act*.
- (4) Notwithstanding any other provision of this Act, by order made pursuant to subsection (1), the minister may:
- (a) establish a school division as at a future date specified in the order; and
 - (b) provide for the holding of the election of the first members of the board of education of the new school division on a date earlier than the date specified for the establishment of the school division.

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

- (a) constitute a corporation in accordance with section 63 as at the date on which they assume office; and
- (b) until the new school division is established, shall:
 - (i) have only those purposes, powers, duties and authority;
 - (ii) be absolved from carrying out those duties and functions; and
 - (iii) be entitled only to those grants and other benefits;

mentioned in this Act and the regulations that the minister may specify in the order establishing the school division or in any subsequent order.

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

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

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 fransaskois 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 fransaskois 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.

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, “**district**” or “**school district**” means:

- (a) a school district as described in section 120;
 - (b) **Repealed.** 2000, c.10, s.8.
 - (c) a school division that is not divided into school districts pursuant to section 120.
- (2) In accordance with this section and section 50, a minority of the electors in a school district, whether Protestant or Roman Catholic, may establish a separate school division, and in that case the electors establishing the school division shall be liable only to assessments of any rates as they may impose on themselves.
- (3) Any three 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 safe keeping 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.
- (6) The petitioners shall, at least eight days before submitting the petition to the minister pursuant to subsection (5), 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.
- (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; and

- (b) post the notices at least eight clear days prior to the day fixed for the meeting in at least six widely separated and conspicuous public places in the proposed separate school division.
- (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.

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 third day, and not later than the seventh 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) post notice, in the prescribed form, of the matters mentioned in clauses (b) and (c):
 - (i) at least eight days before the day fixed for the poll; and
 - (ii) in at least six widely separated and conspicuous public locations in the proposed separate school division.

- (6) The poll is to be kept open from 10:00 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.

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, that division and the board of education of the division shall possess and exercise the same rights and powers and be subject to the same liabilities and method of government as other school divisions continued or established pursuant to this Act.

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

- (a) in the case of a member of the minority religious faith, as a taxpayer of the separate school division;
- (b) in any other case, as a taxpayer of the public school division.

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

Alteration of boundaries of divisions and sub-divisions

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

- (a) on the petition of one or more electors with respect to parcels of land owned or leased by the elector or electors;
 - (b) on the request, separately or jointly, of two or more boards of education with respect to land that is within, or contiguous to, the school divisions concerned;
 - (c) on the request of a board of education;
 - (d) when it is considered by the minister to be in the interests of education to do so;
 - (e) subject to subsection (2), on the advice of the Educational Boundaries Commission.
- (2) No alteration of the boundary of a separate school division is to be effected pursuant to clause (1)(e) without the written consent of the board of education of that separate school division.
- (3) The minister may, in his or her discretion, by order:
- (a) create a sub-division and provide for the election and term of office of a member to represent the sub-division on the board of education;
 - (b) create a sub-division consisting of one or more Indian reserves or parts of Indian reserves where the board of education has entered into an agreement with an Indian band or with the Government of Canada;
 - (c) transfer any sub-division created pursuant to clause (b) from one school division to another where the council of one of the Indian bands or the councils of the Indian bands in the sub-division and the school divisions to be affected by the transfer agree to it;
 - (d) disestablish a sub-division;
 - (e) renumber sub-divisions.

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

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

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

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

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

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

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

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

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

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

Order to be published

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

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

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

(b) the secretary of each school division affected by the order.

1995, c.E-0.2, s.55.

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

Change of name or number of school division

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

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

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

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

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

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 department 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.

Disestablishment of school division or conseil scolaire

60(1) Subject to subsections (3) and (4), the minister may, by order, declare that on or after a day specified in the order a school division shall be disestablished.

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

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

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

(4) No order shall be made pursuant to subsection (1) until the Saskatchewan Municipal Board has approved the arrangements that are made to satisfy the existing financial obligations of the school division to be disestablished.

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

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

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

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

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

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

BOARDS OF EDUCATION AND CONSEIL SCOLAIRE

Board of education for division

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

1995, c.E-0.2, s.61.

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

Board of education a corporation

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

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

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

Election of conseil scolaire

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

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

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

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) Subject to subsection (2), a voter is entitled to be registered as an elector of the school division in which the voter resides.

(2) A voter is not entitled to be registered as an elector for purposes of the election of a board of trustees pursuant to section 126.

1995, c.E-0.2, s.66.

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

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

- (a) the member is convicted of an indictable offence;
 - (b) the member is absent from three or more consecutive meetings of the board or the conseil scolaire without the authorization of the board or the conseil scolaire to do so;
 - (c) the member ceases to be eligible for election as a member:
 - (i) pursuant to *The Local Government Election Act*, in the case of a member of a board of education; or
 - (ii) pursuant to this Act, in the case of a member of the conseil scolaire; or
 - (d) in the case of a member of the conseil scolaire, the member no longer meets the criteria to be a candidate as set out in subsection 65(1) or (2).
- (2) Where a member is required to vacate his or her office pursuant to subsection (1), the remaining members shall:
- (a) declare that office to be vacant; and
 - (b) immediately inform the minister of the vacancy.

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

Conflict of interest

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

- (a) be or become directly interested in any contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;
- (b) participate directly in the profit or in any benefit or emolument arising from a contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;
- (c) accept any office or place of emolument under the board of education or the conseil scolaire of which he or she is a member;
- (d) perform any duty, transact any business or do anything whatever in any character or capacity for or in expectation of any fee, gain or reward for or on behalf of the board of education or the conseil scolaire of which he or she is a member.

(2) A member of a board of education or the conseil scolaire who violates subsection (1):

(a) is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and, in default of payment, to imprisonment for a term of not more than 30 days; and

(b) shall vacate his or her office as a member of the board of education or the conseil scolaire.

(3) Where a member of a board of education or the conseil scolaire is convicted of an offence pursuant to subsection (2), the remaining members shall:

(a) declare that office to be vacant; and

(b) immediately inform the minister of the vacancy.

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

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

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

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

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

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

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

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

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

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

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

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

1995, c.E-0.2, s.69; 1998, c.21, s.25 and 128;
2000, c.10, s.10.

Ouster of member

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

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

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

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

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

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

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

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

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

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

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

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

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 secretary of the school division or the conseil scolaire at the first meeting of the board of education or the conseil scolaire.

(4) The secretary 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.

MEETINGS OF BOARDS OF EDUCATION AND CONSEIL SCOLAIRE**Organizational meeting**

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

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

(b) in every following year before November 30.

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

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

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

(a) a président; and

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

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

Other meetings

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

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

1995, c.E-0.2, s.73.

Notice of meetings

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

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

(a) by giving at least six clear days' notice to each member by registered mail;

(b) by delivering a written notice to each member in person at least three days before the meeting; or

(c) by leaving the notice with an adult person at each member's place of residence at least three days before the meeting.

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

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

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

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

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

Quorum

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

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

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

Exercise of powers, validity of proceedings

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

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

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

1998, c.21, s.29.

Motions

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

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

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

1998, c.21, s.29.

Voting

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

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

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

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

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

Acting chairperson or président

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

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

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

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 secretary-treasurer 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.

Payment for attendance at meetings

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

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

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

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

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

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

Payment for performance of authorized business of board of education

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

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

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

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

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

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

Payment for performance of authorized business of conseil scolaire

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

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

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

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

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

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

Power to designate portion of remuneration as expenses

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

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

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

DUTIES AND POWERS OF BOARDS OF EDUCATION AND CONSEIL SCOLAIRE

Duties of the board of education

85(1) Subject to section 86 and 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 instruction that constitute the instructional program of each school in the school division;
- (k) subject to the regulations, furnish transportation services to pupils to and from school that may be considered by the board of education to be necessary to insure access of pupils 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, not later than March 1 in each year, one or more persons or a company or partnership to audit the books and accounts of the school division, 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, secretary or treasurer 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; or
 - (iv) who is 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 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 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 pupils 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.
- (2) **Repealed.** 1996, c.45, s.6.

1995, c.E-0.2, s.85; 1996, c.45, s.6; 1998, c.21, s.35.

Duties of conseil scolaire

86 With respect to francophone education areas, fransaskois schools and the division scolaire francophone, the conseil scolaire 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 instruction that constitute the instructional program in each fransaskois school;
- (k) subject to the regulations, furnish transportation services to pupils to and from fransaskois schools that may be considered by the conseil scolaire to be necessary to insure access of pupils 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, not later than March 1 in each year, one or more persons or a company or partnership to audit the books and accounts of the conseil scolaire, 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, secretary, treasurer, or secretary-treasurer of the conseil scolaire;
 - (iii) who has then, or had during the preceding year, an interest in a contract made by the conseil scolaire; or
 - (iv) who is employed by the conseil scolaire in any capacity except that of auditor;
- (t) procure a corporate seal for the conseil scolaire;
- (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 that may be required by the minister;
- (w) prescribe procedures with respect to the design, maintenance and supervision of fransaskois school accommodation for the purposes of maintaining satisfactory standards of comfort, safety and sanitation for the pupils and other users of the accommodation;

- (x) define, regulate and control the uses, in addition to the regular fransaskois school program, to which fransaskois school buildings and other facilities of the conseil scolaire may be put during both school and out-of-school hours;
- (y) contract, in writing, with teachers and other personnel required for the administration of the services of the conseil scolaire, and terminate those contracts for cause in accordance with the provisions of this Act;
- (z) participate in programs approved by the minister for the education and training of teachers;
- (aa) subject to clause 88(1)(g), operate using the French language;
- (bb) subject to the regulations, furnish pupils with textbook 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 pupils 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.

Powers of board

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

- (a) employ, or retain the services of, any ancillary personnel that may be considered necessary to administer the policies and programs of the board of education;
- (b) enter into agreements for any purpose considered necessary and advantageous to the quality and efficiency of educational and related services with:
 - (i) other boards of education;
 - (ii) the conseil scolaire;
 - (iii) **Repealed.** 1998, c.21, s.37.
 - (iv) municipalities;
 - (v) specialized institutions;
 - (vi) universities;
 - (vii) departments of the Government of Saskatchewan;
 - (viii) governments of other provinces of Canada or an agency of any of those governments;
 - (ix) the Government of Canada or an agency of that Government;
 - (x) any Indian band;
- (c) enter into agreements with other boards of education or with the conseil scolaire or with Indian bands for the purpose of providing, procuring or administering jointly any service of mutual benefit and convenience;
- (d) enter into agreements with Indian bands with respect to the payment of compensation to the board of education for the loss of taxes, levies or grants in lieu of taxes resulting from lands within the school division being set apart as an Indian reserve;
- (e) furnish educational supplies and food services at a nominal cost to pupils or, where it is considered advisable by the board of education, at the cost of the school division;
- (f) subject to the regulations, approve textbooks and other learning resource material and teacher references;

- (g) approve of and provide for membership, in provincial and national educational associations by the board of education, boards of trustees in the school division, secretary-treasurers and other 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 board of trustees or a local school advisory committee;
- (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 boards of trustees, electors and teachers that may be considered advisable for the purposes of educational planning and development in the school division;
- (o) consider and determine policy with respect to services expressly approved or requested by a board of trustees or local school advisory committee;
- (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:
 - (i) close the school or discontinue one or more grades or years taught in the school where the board of education has, prior to the effective date of the closure or discontinuance of grades or years, obtained the consent of the board of trustees or local school advisory committee of the school district in which the school is situated 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 board of education 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 electors of the school district in which the school is situated to advise the electors 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 board of education;
 - (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 board of trustees or local school advisory committee of the school district in which the school is situated, of:
 - (I) the board of education's decision to close the school; or
 - (II) the board of education'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 board of trustees or local school advisory committee of the school district in which the school is situated 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;

- (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) A board of education may close a school or discontinue one or more grades or years taught in a school, pursuant to subclause (1)(x)(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 board of education, pursuant to section 163, as the last school day in one school year; and
 - (b) ending on the day prior to the day determined by the board of education, pursuant to section 163, as the first school day in the school year following the school year mentioned in clause (a).
- (3) The board of education, with respect to a notice mentioned in paragraph (1)(x)(ii)(A), shall:
- (a) publish the notice:
 - (i) in at least one issue of a newspaper published and circulating in the school district or in any town or village adjacent to the school district in which the 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 school district in which the 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 school district in which the school that is to be the subject of the meeting is situated; and
 - (ii) in the building in which the headquarters of the school division are located.

1995, c.E-0.2, s.87; 1998, c.21, s.37.

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, reference books and other learning resource materials and teacher references for use in francophone schools;
- (f) approve of and provide for membership, in provincial and national educational associations by the conseil scolaire or conseils d'écoles, secretary-treasurers and other 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, 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, 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.

Responsibility of members of board or conseil scolaire for fulfilment of contracts

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

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

Liability of member of board of education or conseil scolaire

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

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

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

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

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

(4) Any two voters of a francophone education area may bring an action in a court of competent jurisdiction for the recovery of the amounts mentioned in subsection (3) as a debt to the conseil scolaire from members of the conseil scolaire mentioned in subsection (3).

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

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

JOINT BOARDS

Agreement to provide services jointly

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

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

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

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

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

Joint board

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

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

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

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

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

Powers and duties of joint board

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

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

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

Procedures applicable to joint boards

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

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

Minutes of joint board

96(1) A joint board shall:

- (a) submit, immediately after each meeting, an accurate record of the proceedings of that meeting to the parties to the agreement mentioned in section 92;
 - (b) make available for inspection by any party to the agreement mentioned in section 92, during regular office hours of the joint board, the record of its proceedings, including:
 - (i) the minutes of the joint board in closed session;
 - (ii) the transactions of the joint board; and
 - (iii) the financial affairs of the joint board;
 - (c) make available for inspection by any person, during regular office hours of the joint board, the minutes of the joint board after they have been adopted by the joint board;
 - (d) by resolution:
 - (i) define those matters, in addition to the minutes of the joint board mentioned in clause (c), that may be inspected by any person; and
 - (ii) authorize the manner and the form in which the matters mentioned in subclause (i) may be made available for inspection;
 - (e) subject to subsection (2), within a reasonable period after a request by any person, furnish to that person copies of the whole or any part of any document made available pursuant to clause (b), (c) or (d) at any rate that the joint board may fix.
- (2) The maximum rate the joint board may fix for the purposes of clause (1)(e) is not to exceed the costs incurred by the joint board in furnishing the copies.

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

ANNUAL MEETING OF ELECTORS

Annual meeting of electors

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

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

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

(4) The board of education, after consultation with the boards of trustees or local school advisory committees in the school division, shall determine the order of business of each annual meeting.

(5) Not less than 14 days prior to the annual meeting, the board of education shall provide to each board of trustees or local school advisory committee in the school division copies of:

- (a) the report of the board of education with respect to educational developments in the year preceding the annual meeting;
- (b) the report of the auditor and financial statement for the preceding year; and
- (c) the report of the director for the preceding year concerning progress of education in the schools of the division.

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

(7) The chairperson shall:

- (a) conduct the annual meeting in accordance with the order of business mentioned in subsection (4); and
- (b) entertain any discussion of the order of business, including resolutions, exchange of information and views on educational plans and policies, and questions concerning the reports mentioned in subsection (5).

(8) The secretary of the annual meeting shall:

- (a) prepare a statement of the proceedings of the annual meeting; and
- (b) forward a copy of that statement to:
 - (i) the board of education; and
 - (ii) each board of trustees or local school advisory committee in the school division.

Special meetings of electors

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

(2) The secretary of the school division shall call a special meeting when required to do so by:

- (a) the board of education;
- (b) the minister; or
- (c) a request in writing signed by no fewer than 25 electors of the school division.

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

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

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

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

1995, c.E-0.2, s.98.

Meetings of electors to review services

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

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

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

1995, c.E-0.2, s.99.

MEETINGS OF VOTERS

Annual meeting of voters in francophone education area

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

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

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

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

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

(6) The président shall:

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

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

(7) The secretary of the meeting shall:

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

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

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

Special meetings of voters

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

(2) The secretary of the conseil scolaire shall call a special meeting when required to do so by:

(a) the conseil scolaire;

(b) the minister; or

(c) a request in writing signed by no fewer than 25 voters.

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

- (4) The voters in attendance at a special meeting shall elect a président and a secretary for the meeting.
- (5) A special meeting is to be called and conducted in accordance with the procedures set out in section 100.
- (6) Only business that is set out in the notice mentioned in subsection (3) is to be considered at the special meeting.

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

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

ADMINISTRATION IN SCHOOL DIVISIONS AND CONSEIL SCOLAIRE

Administrative manuals

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

(2) Administrative manuals must include:

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

- (i) the educational objectives, program development, provision of educational services; and
- (ii) the general supervision and efficient management of the educational affairs of the school division;

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

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

(4) The administrative manual must include:

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

- (i) the educational objectives, program development, provision of educational services in each attendance area; and
- (ii) the general supervision and efficient management of the educational affairs of the division scolaire francophone; and

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

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

1998, c.21, s.43.

Duties of chairperson of board of education

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

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

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

Duties of président of conseil scolaire

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

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

1995, c.E-0.2, s.105; 1998, c.21, s.44.

Committees

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

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

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

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

(ii) countersigning all cheques issued by the treasurer on behalf of the school division, other than cheques on which signatures are imprinted;

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

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

(i) borrow money; or

(ii) pass a bylaw.

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

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

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

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

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

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

(i) borrow money; or

(ii) pass a bylaw.

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

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

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

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

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

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

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

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

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

Staff of school division and conseil scolaire

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

(2) Subject to subsection (3), every board of education and the conseil scolaire shall appoint:

(a) both:

(i) a secretary; and

(ii) a treasurer who meets the qualifications prescribed by the regulations; or

(b) a secretary-treasurer who meets the qualifications prescribed by the regulations.

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

(a) to effect a joint appointment of a director or a secretary-treasurer; or

(b) to procure the services of a director or a secretary-treasurer on a part-time basis.

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

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

2005, c.11, s.9.

Director to be chief executive officer

108(1) A board of education shall designate the director as the chief executive officer of that board of education.

(2) The conseil scolaire shall designate the director as the chief executive officer of the conseil scolaire.

1995, c.E-0.2, s.108; 1998, c.21, s.47.

Duties of director

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

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

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

- (b) ensure that the schools of the board of education or the conseil scolaire are conducted in accordance with this Act, the regulations and the policies of the board of education or the conseil scolaire in all matters within its jurisdiction;
- (c) exercise general supervision of the schools and the work of principals, teachers and other personnel employed by the board of education or the conseil scolaire;
- (d) provide leadership with respect to educational policies and practices; and
- (e) act as a liaison between the board of education or the conseil scolaire and the professional staff and the public with respect to the efficiency and advancement of education in the school division or the division scolaire francophone.

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

Duties of secretary and treasurer

110(1) Every board of education and the conseil scolaire shall prescribe the powers and duties of the secretary and treasurer, or of the secretary-treasurer, as the case may be.

(2) In addition to any duties that may be assigned to him or her by the board of education or the conseil scolaire, pursuant to subsection (1), the secretary shall:

- (a) keep a complete and accurate record of the proceedings of all meetings of the board of education or the conseil scolaire;
- (b) make available for inspection by any person, during regular office hours of the board of education or the conseil scolaire, the minutes of the board of education or the conseil scolaire after they have been adopted by the board of education or the conseil scolaire;
- (c) subject to subsection (4) and within a reasonable period after a request by any person, furnish to that person copies of the whole or any part of any documents made available pursuant to clause (b) at any rate that the board of education or the conseil scolaire may fix;
- (d) produce, on demand by the board of education or the conseil scolaire, the director, or any other competent authority, all books and papers belonging to the board of education or the conseil scolaire; and
- (e) make any reports and statements, perform any duties and do any other things he or she is required to do pursuant to this Act.

(3) In addition to the duties that may be assigned to him or her pursuant to subsection (2) or by the board of education pursuant to subsection (1), the secretary of a board of education shall, on request, deliver or transmit by mail to the secretary of each school district within the school division a copy of the minutes of any meeting of the board of education not later than 10 days after the day on which those minutes were approved by the board of education.

(3.1) In addition to the duties that may be assigned to him or her pursuant to subsection (2) or by the conseil scolaire pursuant to subsection (1), the secretary of the conseil scolaire shall deliver or transmit by mail to the secretary of each conseil d'école a copy of the minutes of any meeting of the conseil scolaire not later than 10 days after the day on which those minutes were approved by the conseil scolaire.

(4) The maximum rate that the board of education or the conseil scolaire may fix for the purpose of clause (2)(c) is not to exceed the costs incurred by the board of education or the conseil scolaire in furnishing the copies.

(5) In addition to any duties that may be assigned to him or her by the board of education or the conseil scolaire pursuant to subsection (1), the treasurer, shall:

(a) receive all moneys payable to the board of education or the conseil scolaire and disburse them in the manner directed by the board of education or the conseil scolaire;

(b) pay all accounts payable by the board of education or the conseil scolaire:

(i) when authorized for payment; and

(ii) when certified by the chairperson of the board of education or the président of the conseil scolaire or by some person other than the chairperson or président who is authorized by a resolution of the board of education or the conseil scolaire to certify accounts for payment;

(c) keep a complete and detailed record of all the financial transactions of the board of education or the conseil scolaire;

(d) give and take receipts for moneys received or disbursed and keep on file all vouchers of expenditures;

(e) close and balance the books of record of the school division or the conseil scolaire on December 31 in each year;

(f) produce, on demand by the board of education or the conseil scolaire, the director, or any other competent authority, all books, vouchers, papers and moneys belonging to the board of education or the conseil scolaire and, on ceasing to hold office, deliver them to the board of education or the conseil scolaire or any person designated by the board of education or the conseil scolaire;

(g) make any reports and statements and perform any things that he or she is required to do pursuant to this Act; and

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

(6) In addition to the duties that may be assigned to him or her pursuant to subsection (5) or by the board of education pursuant to subsection (1), the treasurer of a board of education shall forward by mail, on or before June 1 in each year, a certified copy of the auditor's report and the financial statement of the school division to the council of each municipality in which there is land or property taxable for the purposes of the school division pursuant to this Act, or on account of which grants in lieu of taxes are paid by the Government of Saskatchewan or the Government of Canada.

1995, c.E-0.2, s.110; 1997, c.35, s.10; 1998, c.21, s.49; 2005, c.11, s.10.

Guarantee

111(1) Before commencing his or her duties, a treasurer shall provide a guarantee bond to the board of education or the conseil scolaire.

(2) A guarantee bond must be from any guarantee company authorized to do business in Saskatchewan, and for an amount of not less than \$15,000 that the board of education or the conseil scolaire may consider sufficient to cover any moneys for which the treasurer may at any time be responsible, whether arising from the school fund or from any particular contribution or donation paid to the treasurer for the support or benefit of the school division or the conseil scolaire.

(3) The guarantee bond must be renewed at the beginning of each year and may be renewed or changed at any other time that renewal or change is required by the board of education or the conseil scolaire.

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

1995, c.E-0.2, s.111; 1998, c.21, s.50; 2005, c.11, s.11.

Minister notified of appointments

112 Every board of education and the conseil scolaire shall, immediately on the appointment of a secretary, treasurer, secretary-treasurer or director:

- (a) notify the minister of the appointment; and
- (b) advise the minister of the full name and postal address of the person who is appointed.

1995, c.E-0.2, s.112; 1998, c.21, s.51; 2005, c.11, s.12.

Termination of appointment

113 Unless otherwise provided under the contract of employment between the board of education or the conseil scolaire and the secretary, treasurer, secretary-treasurer or director, not less than 30 days' notice in writing to terminate the contract must be given to the other contracting party.

1995, c.E-0.2, s.113; 2005, c.11, s.13.

Investigation of dismissal by board of review

114(1) A secretary, treasurer, secretary-treasurer or director whose contract of employment has been terminated by the board of education or the conseil scolaire may apply to the minister for an investigation of the termination.

(2) On receipt of the application, the minister may appoint a board of review consisting of:

- (a) one person, nominated by the minister, who shall be the chairperson of the board of review;
- (b) one person who is not a member of the board of education or the conseil scolaire that terminated the contract of employment, nominated by the person who has applied for the investigation; and

- (c) one person who is not a member of the board of education or the conseil scolaire that terminated the contract of employment, nominated by the board of education or the conseil scolaire.
- (3) Where no nomination is received by the minister within 10 days after receipt by the minister of the application for an investigation from either or both of the parties to the contract that has been terminated, the person or persons nominated at that time constitute the board of review for the investigation.
- (4) The board of review shall hold an investigation and make its report within 30 days after the appointment of the chairperson.
- (5) The chairperson of the board of review shall give at least 10 clear days' notice to each party of the time and place of the investigation.
- (6) Both parties to the contract that has been terminated may be represented by counsel at the investigation.
- (7) For the purposes of procuring the attendance of a person as a witness, the board of review may serve that person with a notice requiring that person to attend before the board of review.
- (8) The notice must be served in the same manner and will have the same effect as a subpoena requiring the attendance of a witness and the production by him or her of documents at the hearing or trial of an action, but no person is required to produce any document that he or she could not be compelled to produce on the hearing or trial of an action in a court of law.
- (9) The board of review may appoint a person to act as its secretary and to keep any record of the proceedings of the investigation that it may consider necessary.
- (10) The board of review may take evidence under oath, and any member of that board may administer oaths to the parties and to the witnesses.
- (11) Unless the board of review otherwise determines, the scope of the investigation and the findings of the board of review must be limited to the reasons for the termination of the contract.
- (12) All questions before the board of review are decided by a majority vote.
- (13) The chairperson has the right to vote, and in the case of an equality of votes, the chairperson shall cast the deciding vote.
- (14) The board of review shall forward a statement of its findings to the minister, the chairperson of the board of education or the président of the conseil scolaire, and the person who has applied for the investigation.
- (15) *The Arbitration Act, 1992* does not apply to an investigation pursuant to this section.

1995, c.E-0.2, s.114; 2005, c.11, s.14.

Expenses of investigation

- 115** Each of the parties to the investigation is liable for the payment of all expenses incurred by him or her in connection with that investigation.

1995, c.E-0.2, s.115.

Duties of other employees

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

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

Limitation of liability

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

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

1998, c.21, s.52.

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 department.

1995, c.E-0.2, s.121.

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 fransaskois school in operation in each attendance area.

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

1998, c.21, s.54.

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 department 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.

Alteration of attendance area boundaries

122.1(1) The boundaries of an attendance area of a fransaskois 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 department 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.

BOARD OF TRUSTEES OF SCHOOL DISTRICT

Membership of board of trustees

123(1) In each school district, there shall be a board of trustees consisting of no fewer than three and no more than nine members, as may be determined by the board of education.

(2) In a school division or a portion of a school division that is not divided into school districts, or in a school division where no school is kept in operation, the board of education may establish one or more local school advisory committees in accordance with sections 135 to 140.

1995, c.E-0.2, s.123.

Additional trustees

124(1) Subject to subsections (2), (6) and (8), the board of trustees of the school district not providing educational services in those grades mentioned in clause (2)(a) may appoint one or more of its members to be additional members of the board of trustees of the adjoining school district that is providing educational services in those grades.

(2) Additional trustees may be appointed pursuant to subsection (1), where:

(a) the instructional program of the school or schools in a school district is limited to:

- (i) kindergarten;
- (ii) grades 1 to 5;
- (iii) grades 6 to 9; or
- (iv) any partial combination of grades 1 to 9; and

(b) pupils of that school district attend school in the adjoining school district in order to receive educational services in the grades not provided in their school district.

(3) Where there is an Indian reserve outside the school division that provides services to the Indian reserve, the Indian band may appoint one person to be an additional member of the board of trustees of the school district in which any pupil from that Indian reserve receives instructional services.

(4) Where a board of education closes the only school in a school district, the terms of office of the members of the board of trustees for that district expire on the date on which the school closure is effective.

(5) Notwithstanding subsection (4), the board of trustees may appoint one or more of its members to be additional members of the board of trustees of one or more adjoining school districts into which the district has been or is to be incorporated pursuant to subsection 122(1).

(6) The board of education shall determine:

- (a) the number of trustees who may be appointed pursuant to subsection (1) or (5); and
- (b) the conditions under which those appointments may be made.

(7) Every trustee appointed pursuant to subsection (1), (3) or (5) shall, while acting as an additional trustee, have the powers and responsibilities of a member of that board of trustees as provided in section 134.

(8) The term of office of a trustee appointed pursuant to subsection (1) or (3) is not to exceed three years, and a trustee appointed pursuant to subsection (1) or (3) is eligible to be reappointed and shall, except where otherwise prescribed by the board of education, assume office on the November 1 following the appointment.

(9) The term of office of a trustee appointed pursuant to subsection (5) expires on the date of the first meeting of the board after the next election held pursuant to section 126.

1995, c.E-0.2, s.124; 1997, c.35, s.11.

ELECTION OF MEMBERS OF BOARDS OF TRUSTEES

Board of education to prescribe re elections

125(1) On the establishment of a school district, the board of education shall, by resolution:

- (a) subject to section 123, prescribe the number of members that constitutes the board of trustees of the district;
 - (b) determine, in consultation with the electors of the district, whether the district is to be divided into sub-districts for the purposes of the election of members of the board of trustees;
 - (c) where the district is divided into sub-districts pursuant to clause (b), determine the boundaries of each sub-district;
 - (d) fix the date of the first election of members of the board of trustees and the date on which the newly elected board of trustees assume office;
 - (e) subject to subsection (2), determine the date of elections held subsequent to the first election;
 - (f) determine the posting requirements for board of trustee elections;
 - (g) appoint, in consultation with the board of trustees, a returning officer;
 - (h) make provision for any other matter required by this Act to be prescribed in a resolution.
- (2) The date of elections for the board of trustees set pursuant to clause (1)(e) is to be in the same year as the date of the elections for the board of education.

1995, c.E-0.2, s.125.

Procedure for elections

126 Subject to section 125, the election of members of a board of trustees and all proceedings preliminary and subsequent to that election are to be conducted in the manner set out in *The Local Government Election Act*, and that Act applies, with any necessary modification, with respect to the election of members of a board of trustees.

1995, c.E-0.2, s.126.

Term of office

127(1) Subject to subsection (2), each member of a board of trustees holds office for three years and is eligible for re-election.

(2) Each member of a board of trustees elected at the first election of a board of trustees holds office until the election subsequent to the first election and is eligible for re-election.

1995, c.E-0.2, s.127.

Declaration of office by trustees

128(1) Before undertaking any of the responsibilities of the office and before taking his or her seat as a member of the board, every person who is elected a member of a board of trustees shall make a declaration before a commissioner for oaths in the prescribed form.

(2) Every member of a board of trustees shall deliver the declaration mentioned in subsection (1) to the secretary of the district at the first meeting of the board of trustees he or she attends.

(3) The secretary shall:

- (a) enter the fact of the delivery in the minutes of that meeting; and
- (b) retain the declaration on file.

1995, c.E-0.2, s.128.

Disqualification of members of board of trustees

129(1) A member of a board of trustees shall vacate his or her office as a member of the board of trustees if the member:

- (a) is convicted of an indictable offence;
- (b) is absent from three or more consecutive meetings of the board of trustees without the authorization of the board of trustees; or
- (c) ceases to be eligible for election as a member pursuant to *The Local Government Election Act*.

(2) Where a member of a board of trustees is required to vacate the office as a member of the board of trustees pursuant to subsection (1), the remaining members of the board of trustees shall:

- (a) declare that office to be vacant; and
- (b) advise the board of education of that fact.

1995, c.E-0.2, s.129.

MEETINGS OF BOARDS OF TRUSTEES

Organizational meeting of board of trustees

130(1) A board of trustees shall hold an organizational meeting:

- (a) in the case of a newly established school district, on the date and at the time and place fixed pursuant to a resolution mentioned in section 125 for that purpose; and
 - (b) in each year subsequent to the year in which a district is established, not later than November 30.
- (2) A chairperson, vice-chairperson and secretary or secretary-treasurer shall be appointed at each organizational meeting.

1995, c.E-0.2, s.130.

Other meetings

131 A board of trustees shall:

- (a) meet at least six times in each year at those times that may be fixed by a resolution of the board of trustees; and
- (b) meet at any other time at the call of:
 - (i) the chairperson; or
 - (ii) any three members of the board of trustees.

1995, c.E-0.2, s.131.

Notice of meetings

132(1) Where a board of trustees at any meeting at which all the trustees are present decides by resolution to hold regular meetings on or at predetermined dates, times and places, no further or other notice of those meetings is necessary.

(2) All other meetings of the board of trustees are to be called:

- (a) by giving at least six clear days' notice to each trustee by telephone or by registered mail;
- (b) by delivering a written notice to each trustee in person at least three days before the meeting; or
- (c) by leaving the notice with an adult person at each trustee's place of residence at least three days before the meeting.

(3) Notwithstanding subsections (1) and (2), the board of trustees may, by prior unanimous written consent, waive notice and hold a meeting at any time.

(4) The consent mentioned in subsection (3) must be recorded in the minutes of the meeting.

1995, c.E-0.2, s.132; 1997, c.35, s.12.

Procedure at meetings of boards of trustees

133 Sections 75 to 80 apply to meetings of a board of trustees, with any necessary modification.

1995, c.E-0.2, s.133.

DUTIES AND POWERS OF BOARDS OF TRUSTEES

General duties and powers of boards of trustees

134(1) A board of trustees shall:

- (a) inform the electors of the school district with respect to:
 - (i) the schedule of its meetings;
 - (ii) the procedures for making submissions and representations to the board of trustees;
 - (iii) the channels of communication; and
 - (iv) any other matters considered by the board of trustees to be in the interests of education in the school district;
- (b) convene at least one general meeting of electors of the school district in each year for the purposes of:
 - (i) reviewing the progress of education and educational services available to residents of the school district; and
 - (ii) discussing matters of interest and concern to the electors with respect to future development of educational services;
- (c) advise the board of education with respect to any matter considered by the board of trustees to be in the interests of education in the school district or in the school division;
- (d) subject to the stated policies of the board of education, exercise general oversight with respect to the operation of any schools in the district and make recommendations in that regard, including recommendations concerning the selection and placement of teachers;
- (e) if considered advisable by the board of trustees, submit to the board of education, not later than February 1 in any year, a statement of estimated expenditures required for the benefit of the school district over and above the expenditures to be made for the school district by the board of education out of the funds of the school division;
- (f) make recommendations to the board of education with respect to improvement and maintenance of buildings, facilities and equipment used for school purposes in the school district;
- (g) subject to section 180, make recommendations respecting the language of instruction in the schools of the school district;
- (h) subject to section 182, approve arrangements respecting religious instruction in the schools of the school district;
- (i) co-operate with the board of education, principals, teachers and other employees of the board of education in the care, management and supervision of school property in the school district; and
- (j) subject to the stated policies of the board of education, administer, manage or supervise any matter, activity, function or responsibility with respect to the school district that may lawfully be delegated to it, subject to the approval of the board of trustees, by the board of education.

(2) Without restricting the generality of clause (1)(j), those matters that a board of trustees may administer, manage or supervise includes the following:

- (a) maintenance of school facilities;
- (b) investigation of issues and disputes involving relationships of pupils, parents and teachers in the schools of the school district;
- (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 schools of the school district;
- (e) use of school facilities for community purposes;
- (f) supervision of school transportation services in the school district.

1995, c.E-0.2, s.134.

CONSEILS D'ÉCOLES

Conseil d'école for each fransaskois school

134.1(1) Each fransaskois 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 fransaskois 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 fransaskois school:

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

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

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

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

- (a) the principal;
- (b) a person representing the teaching staff to be selected by the teaching staff;

- (c) where the 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 Sections 75 to 80 and 130 to 132 apply, with any necessary modification, to meetings of a conseil d'école.

1998, c.21, s.57.

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.

LOCAL SCHOOL ADVISORY COMMITTEES

Establishment of local school advisory committee

135(1) In any school division or portion of a school division where school districts are not required to be established pursuant to section 120, the board of education may establish a local school advisory committee with respect to:

- (a) each or any of the operating schools in the school division or portion of a school division;
 - (b) any combination of two or more operating schools in the school division or portion of a school division; or
 - (c) all of the operating schools in the school division or portion of a school division.
- (2) A board of education mentioned in subsection (1) shall provide in its bylaws for the establishment of local school advisory committees and may prescribe:
- (a) the conditions under which a local school advisory committee may be established;
 - (b) the procedures required prior to the establishment of a local school advisory committee;
 - (c) the composition of a local school advisory committee, its organizational structure and procedures for the maintenance of its membership; and
 - (d) the terms of reference of a local school advisory committee with respect to its functions and relationships with the electors, the teaching staff and the board of education.

1995, c.E-0.2, s.135.

Local school advisory committee in certain districts

136(1) Notwithstanding sections 123 and 125, the electors of any school district may, by petition to the board of education, request the establishment of a local school advisory committee in accordance with the provisions of sections 135 and 137.

- (2) Where the approval of the board of education is obtained with respect to the petition mentioned in subsection (1), sections 123 and 125 cease to apply to that school district.

1995, c.E-0.2, s.136.

First committee

137(1) Subject to section 135, the board of education, or a representative group of electors of the attendance area or areas of one or more schools in a school division, may initiate consultations involving the board of education and the electors with a view to establishing a local school advisory committee.

(2) On approval by the board of education of the establishment of a local school advisory committee, the board of education shall immediately proceed with, or make provision for, the organization of the first local school advisory committee in accordance with the procedures established pursuant to section 135.

1995, c.E-0.2, s.137.

Changes in membership of committee

138 Subject to section 135, the officers of a local school advisory committee shall inform the board of education in writing with respect to changes in membership and officers of the committee.

1995, c.E-0.2, s.138.

Functions of committee defined by board of education

139 In a school division in which local school advisory committees are established pursuant to section 135 or 136, the board of education may define the functions of those committees that it considers appropriate having regard to:

- (a) the circumstances of the school division; and
- (b) the mutual interests of the electors and the board of education.

1995, c.E-0.2, s.139.

Duties of local school advisory committee

140 Local school advisory committees shall act in an advisory capacity to the board of education and, without restricting the generality of the foregoing, may, subject to the approval of the board of education, undertake the following duties:

- (a) liaison with the teaching staff of the school or schools in any matter pertaining to the educational welfare of the pupils;
- (b) studies of the educational objectives and programs of the school or schools in relation to the aspirations of the community;
- (c) promotion of school-community and parent-teacher communications;
- (d) participation with the board of education in activities pertaining to future planning and development of educational services in the district or in the school division;
- (e) participation in special projects, experiments and innovative practice sponsored by or approved by the board of education;
- (f) recommendations with respect to selection and placement of teaching staff.

1995, c.E-0.2, s.140.

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.

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

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.

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

Attendance of others at fransaskois 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 fransaskois school in any francophone education area that exists or becomes established if the attendance of that person at a fransaskois 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 programs mentioned in section 186 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.

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) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

1995, c.E-0.2, s.149.

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 department.

(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.

c. E-0.2**EDUCATION, 1995**

(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.

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 francaskois 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 francaskois school is in operation each year.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

(3) Notwithstanding section 51 of *The Summary Offences Procedure Act, 1990*, where a person is guilty of an offence pursuant to this section, sections 29 and 31 of *The Summary Offences Procedure Act, 1990* do not apply.

(4) On a conviction for an offence pursuant to subsection (2), the judge may, in his or her discretion, order the person convicted to post a bond in the penal sum of \$200, with any securities that may be required, on the condition that the person shall cause the pupil to attend school as required and, on breach of that condition, the bond shall be forfeited to the Crown.

(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.

Exceptions to school attendance

157(1) A pupil may be exempted from attendance at a school, and no parent, guardian or other person is liable to conviction for an offence pursuant to section 156 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.

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 department 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.

Reports and referrals concerning irregular attendance

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

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

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

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

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

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

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

1995, c.E-0.2, s.161.

Offence and penalty

162(1) Every person who is charged with the duty of administering or enforcing any provision of this Act pertaining to school attendance and who neglects to perform that duty is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

(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 department 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 department in the enforcement of any provision of this Act pertaining to school attendance.
- (3) Every person who contravenes any provision of subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

1995, c.E-0.2, s.162.

OPERATION OF SCHOOLS

School year

163(1) The school year shall be divided into:

- (a) two terms, ending on December 31 and June 30 respectively;
 - (b) two semesters, ending on January 31 and June 30 respectively, or ending on December 31 and June 30 respectively; or
 - (c) any other periods that the board of education or the conseil scolaire, with the approval of the minister, may determine.
- (2) A school year consists of 200 school days, but in any year the minister may, by order, determine for that year any lesser number of school days that the minister considers advisable.
- (3) Subject to subsections (1) and (2), the board of education or the conseil scolaire shall determine:
- (a) the opening and closing dates of schools; and
 - (b) the general schedule of operation for the school year and for any term, semester or other period of the school year, as the case may be.
- (4) On or before May 1 in each year, every board of education shall notify its employees and the boards of trustees, and publish information for parents and pupils, with respect to the matters set out in subsection (3) in the school division for the next school year.
- (4.1) On or before May 1 in each year, the conseil scolaire shall notify its employees and the conseils d'écoles, and publish information for parents and pupils, with respect to the matters set out in subsection (3) in the division scolaire francophone for the next school year.
- (5) Subject to the regulations, the board of education or the conseil scolaire shall determine the hours for the operation of kindergarten classes.
- (6) A year of kindergarten education is deemed to be the equivalent of not less than 80 school days.

1995, c.E-0.2, s.163; 1997, c.35, s.13; 1998, c.21, s.68.

School hours

164(1) Subject to subsections (2) to (4.1), the program of instruction in schools is to be conducted between 9:00 a.m. and 12:00 noon and between 1:00 p.m. and 3:30 p.m. on each school day.

(2) On receipt of a request from a board of education or the conseil scolaire, the minister may authorize the board of education or the conseil scolaire to conduct classes or other educational activities during periods of each school day other than the periods mentioned in subsection (1).

(3) A board of education or the conseil scolaire may alter or shorten the school hours prescribed by subsection (1) by not more than 30 minutes, but may not lengthen the school hours.

(4) With the approval of the minister, a board of education or the conseil scolaire may alter, but not shorten or lengthen, by more than 30 minutes the school hours prescribed by subsection (1).

(4.1) With the approval of the minister, a board of education or the conseil scolaire may lengthen by up to 30 minutes the school hours set out in subsection (1), provided that the total hours in the school year, exclusive of the recess hours prescribed in subsections (5) and (6), do not exceed five times the number of school days in the school year determined in accordance with subsection 163(2).

(5) Each school day must include:

- (a) a recess period of 15 minutes, or recess periods amounting to 15 minutes, in the morning and in the afternoon; or
- (b) a recess period or periods amounting to 30 minutes.

(6) Notwithstanding subsection (5), where a board of education or the conseil scolaire passes a resolution, pupils in any or all schools in the school division or a francophone education area, as set out in the resolution of the board of education or the conseil scolaire, may be allowed recess periods other than those set out in subsection (5).

1995, c.E-0.2, s.164; 1997, c.35, s.14; 1998, c.21, s.69.

Holidays

165(1) The following days are school holidays:

- (a) Saturdays and Sundays;
- (b) Good Friday, Canada Day, Labour Day, Thanksgiving Day and Remembrance Day;
- (c) the birthday or day appointed for the celebration of the birth of the reigning Sovereign; and
- (d) any day proclaimed as a holiday by the Governor General, the Lieutenant Governor, the mayor of the city, town or village or the reeve of the rural municipality in which a school is situated.

(2) A board of education or the conseil scolaire may declare any other days not exceeding one day at a time to be holidays for school purposes.

(3) Notwithstanding subsection (1), one or more Saturdays may be declared to be school days by resolution of the board of education or the conseil scolaire.

1995, c.E-0.2, s.165; 1998, c.21, s.70.

Vacations

166(1) The following vacation periods are to be observed:

- (a) a Christmas vacation, which is to commence not later than December 23 and end not earlier than January 2, both days inclusive;
 - (b) a spring vacation, which is to be the five days following Easter Sunday;
 - (c) a summer vacation that is at least six consecutive weeks from the last school day in one school year to the first school day in the following school year and that ends no earlier than the first Monday in August.
- (2) Notwithstanding clause (1)(a), a board of education or the conseil scolaire may extend the Christmas vacation period.
- (3) Notwithstanding clause (1)(b), a board of education or a conseil scolaire may, with the approval of the minister, keep in operation any of its schools during the whole or any part of the spring vacation if that action is necessary to maintain a satisfactory schedule of opening and closing dates of schools.

1995, c.E-0.2, s.166; 1997, c.35, s.15; 1998, c.21, s.71.

Variations in length of school year, etc.

167 Where a board of education or the conseil scolaire has divided the school year, pursuant to clause 163(1)(c), for one or more of its schools, the board of education or the conseil scolaire may, with the approval of the minister, provide for variations from the provisions of sections 163 to 166 pertaining to the length of the school day, the length of school year, holidays and vacation periods with respect to the schools affected.

1995, c.E-0.2, s.167; 1998, c.21, s.72.

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) Where neither a pupil nor any of his or her parents are either Canadian citizens or permanent residents, a board of education may charge tuition fees in the amount prescribed in the regulations.

1995, c.E-0.2, s.173.

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, teacher aides 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.

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 department 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.

EDUCATIONAL PROGRAM

Courses of study

176(1) Subject to subsection (2), the basic 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.

Approval by board of education

177 Subject to the regulations, 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.

Referral of pupil with special needs

178(1) Subject to subsections (2) to (5), every pupil shall be provided, insofar as is practicable within the policies and programs authorized by the board of education or the conseil scolaire, with a program of instruction consistent with the pupil's educational needs and abilities.

(2) Where a pupil is considered by the principal, by reason of disability, handicap or any other disabling personal attribute, to be unable to profit from the instruction ordinarily provided, the principal shall, subject to subsection 186(6), refer the matter to the director, or to the supervisory officer assigned the responsibility for pupils with special needs, for any study and evaluation that the circumstances warrant.

(3) Where a parent or guardian considers that a pupil under his or her control and custody is unable, by reason of disability, handicap or other disabling personal attributes, to profit from instruction ordinarily provided in the school, or where for similar reasons a pupil has not been enrolled in school, the parent or guardian may request the principal to refer the matter to the director, or to the appropriate supervisory officer, for any study and evaluation as the circumstances warrant.

(4) Where a request is made pursuant to subsection (3), the principal may, in his or her discretion, determine the nature of the action to be taken on that request.

(5) Where a teacher or a parent or guardian considers that the ordinary program of instruction is insufficient to employ the superior capabilities, talents and interests of a pupil, the teacher or parent or guardian may confer with the principal with a view to determining what action the principal may consider appropriate, including referral to the director for further study and evaluation.

(6) Where a referral has been made pursuant to this section, the director or designate supervisory officer shall:

- (a) direct any studies, evaluation and diagnostic procedures that may be appropriate and practicable and in conformity with the policies of the board of education or the conseil scolaire; and
- (b) confer with the principal, teacher, parent or guardian, pupil or any of them with respect to the results of the investigations and with respect to recommendations for alterations in the educational program of the pupil concerned.

1995, c.E-0.2, s.178; 2005, c.11, s.18.

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

(4) French is the language of instruction in francoskois 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.

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 fransaskois 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 trustees of a school district, or by the board of education of a school division that is not divided into school districts, with respect to any of the schools in its jurisdiction may be given in that school district or 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), a board of trustees, or the board of education in the case of a school division that is not divided into districts, 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.

Religious instruction in francoskoi 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 department.

1995, c.E-0.2, s.184.

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 Institute of Applied Science and Technology 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.

Education of pupils with a disability

186(1) In this section, “**pupil with a disability**” includes a pupil who, pursuant to criteria prescribed in the regulations, is deemed to be unable to participate at an optimal level in the benefits of the ordinary program of the school by reason of personal limitations attributable to physical, mental, behavioral or communication disorders.

(2) Subject to the regulations, a board of education or the conseil scolaire shall provide educational services to pupils with disabilities, but:

(a) where it is considered advisable, the board of education or the conseil scolaire may exclude from attendance in a specific curricular program any pupil who, in the opinion of the director, is incapable of responding to instruction in that program or whose presence is detrimental to the education and welfare of other pupils in attendance in that program; and

(b) where, on investigation by and in the opinion of the director, a pupil is so seriously disabled as to be unable to benefit from any of the instructional services provided by the board of education or the conseil scolaire, the board of education or the conseil scolaire shall:

(i) consult with that pupil’s parent or guardian;

(ii) make available any of its consultant services that may be of assistance; and

(iii) clarify and arrange other services appropriate to the needs and circumstances of the pupil.

(3) Where a pupil is excluded from attendance pursuant to clause (2)(a), the exclusion must not deprive the pupil of access to alternative educational services provided by boards of education or the conseil scolaire to pupils with disabilities pursuant to this section.

(4) A board of education may discharge its responsibilities pursuant to subsection (2) by:

(a) providing those services within the school or in other facilities in its control; or

(b) entering into agreements with another board of education, the conseil scolaire or an agency or any other person to make those services available.

(4.1) The conseil scolaire may discharge its responsibilities pursuant to subsection (2) by:

- (a) providing those services within the school or in other facilities in its control; or
 - (b) entering into agreements with a board of education, agency or any other person to make those services available.
- (5) Where educational services are provided with the approval of the department to a pupil with a disability in a special program in Saskatchewan or elsewhere, the responsibility of the board of education or the conseil scolaire for payment of all or a portion of the cost of maintenance, tuition, transportation and support of that pupil is that which is prescribed in the regulations.
- (6) All diagnostic and investigative procedures that precede a recommendation or decision with respect to placement of a pupil in a specialized program are to be conducted with the knowledge of, and in consultation with, the parent or guardian of the pupil.
- (7) Notwithstanding subsections 142(3) and 173(1), a school division that, pursuant to subsection (4), has entered into an agreement to make educational services available to pupils with disabilities maintains responsibility for those pupils for so long as the parents or guardians of the pupils remain residents of the school division that entered into the agreement.
- (8) Notwithstanding subsection 143(2), if the conseil scolaire, pursuant to subsection (4.1), enters into an agreement to make educational services available to pupils with disabilities, the conseil scolaire maintains responsibility for each of those pupils for so long as the pupil remains registered with the conseil scolaire.

1995, c.E-0.2, s.186; 1998, c.21, s.78; 2000, c.10, s.11.

Review of designation, placement or program

186.1(1) Where a pupil or the parent or guardian of that pupil disagrees with the decision of a board of education or the conseil scolaire, or of an official of the board of education or conseil scolaire, for the purposes of section 186, respecting the following actions, the pupil, or the parent or guardian of that pupil, shall have immediate access to the process established by the board of education or conseil scolaire for the resolution of these types of disagreements:

- (a) the designation of the pupil or the failure to designate the pupil;
 - (b) the placement of the pupil;
 - (c) the program provided to the pupil.
- (2) A review pursuant to this section must be heard by a person or persons who did not participate in the decision being reviewed.
- (3) A board of education or the conseil scolaire must have written procedures set out for reviews pursuant to this section and those written procedures must comply with any requirements that may be prescribed in the regulations.

1997, c.35, s.17; 1998, c.21, s.79.

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 Department of Health or any agency of that department for the provision of any of the services mentioned in this section; or

(b) participate in health service programs for schools that are conducted or co-ordinated co-operatively by the department and the Department of Health.

(5) Every school shall observe all laws and any regulations with respect to the maintenance of standards concerning sanitation, lighting and communicable diseases.

(6) A school may make provision for safety patrols for the protection of pupils in the vicinity of the schools.

(7) No action lies or shall be instituted against a board of education, trustee, officer, agent of a board of education, pupil, parent or volunteer involved with a safety patrol established pursuant to the authority of this Act or the regulations, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations respecting safety patrols or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations respecting safety patrols.

(8) No action lies or shall be instituted against the conseil scolaire, trustee, officer, agent of the conseil scolaire, pupil, parent or volunteer involved with a safety patrol established pursuant to the authority of this Act or the regulations, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations respecting safety patrols or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations respecting safety patrols.

1995, c.E-0.2, s.190; 1998, c.21, s.81.

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 departments of the Government of Saskatchewan and its agencies and with agencies and individuals in the community that provide specialized services related to the health and welfare of pupils, for the purpose of maximum rationalization and co-ordination of those services and for the enhancement of the benefits of those services to the pupils.

1995, c.E-0.2, s.192.

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) Every person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

1997, c.35, s.18.

Board to provide transportation to certain pupils

194(1) Transportation services provided to pupils pursuant to clause 85(1)(k) and the bylaws of the board of education shall be provided at the cost of the school division.

(2) Transportation services provided to pupils pursuant to clause 86(1)(k) and the bylaws of the conseil scolaire shall be provided at the cost of the conseil scolaire.

(3) Notwithstanding subsections (1) and (2), a board of education or the conseil scolaire may make payments to the parent or guardian of a pupil in lieu of transportation.

(4) Where applicable, payments made pursuant to subsection (1) or (2) may include allowances for board and room where a pupil must reside away from home to attend school.

1995, c.E-0.2, s.194; 1998, c.21, s.82.

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

QUALIFICATION AND EMPLOYMENT OF TEACHERS

Certificate of qualification required

198 No person shall be engaged, appointed, employed or retained as a teacher or principal in any school unless that person possesses a valid certificate of qualification issued pursuant to the regulations.

1995, c.E-0.2, s.198.

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 state the class and number of the valid certificate of qualification, issued pursuant to the regulations, then held by him or her.
- (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.

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 teacher's certificate of qualification 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.

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.

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.

1995, c.E-0.2, s.210; 1998, c.21, s.89 and 127.

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.

1995, c.E-0.2, s.212; 1996, c.45, s.11; 1998, c.21, s.127.

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.

Citation of reasons for termination by board or conseil scolaire

214(1) Where a notice of termination is given pursuant to clause 210(1)(c) or (d), the reasons for the termination may include:

- (a) professional incompetence;
- (b) unprofessional conduct;
- (c) immorality;
- (d) neglect of duty;
- (e) physical or mental disability; or
- (f) any other cause that, in the opinion of the board of education or the conseil scolaire, renders the teacher unsuitable for continued teaching service in the position held by that teacher at the time of the termination.

(2) A notice of termination must state that in the opinion of the board of education or the conseil scolaire the teacher is, for the reasons given, unsuitable for continued teaching service in the position held by the teacher at the time of the termination.

1995, c.E-0.2, s.214.

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) who has attained, or will attain, the full age of 65 years on or before June 30 of the school year in which the notice of termination is given; or

(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(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.

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.

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 department 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.

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 prior to the day on which a collective bargaining agreement negotiated pursuant to this Act expires, the federation, with respect to a provincial agreement, or each bargaining committee appointed pursuant to subsection 235(2) or 236(2), with respect to a local agreement, shall, provide a written notice specifying that the process for the resolution of a dispute is to be:

- (a) the process set out in sections 243 to 250; or
 - (b) the process set out in sections 251 to 260.
- (2) The notice mentioned in subsection (1) shall be delivered:
- (a) in the case of a provincial agreement, to the association and to the minister;
 - (b) in the case of a local agreement negotiated by the parties mentioned in section 235, to the board of education employing the teachers represented by the bargaining committee;
 - (c) in the case of a local agreement negotiated by the parties mentioned in section 236, to the conseil scolaire.
- (3) A copy of the notice mentioned in subsection (1) shall be filed with the chief executive officer of the Educational Relations Board.
- (4) The process for resolution of a dispute specified in a notice pursuant to subsection (1) shall be the process applicable for the resolution of all disputes from the day on which the notice is given until a subsequent notice is given pursuant to subsection (1).

1995, c.E-0.2, s.239; 1998, c.21, s.98.

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.

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

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 Education Relations Board may fix the remuneration of mediators, conciliators and arbitrators.

1995, c.E-0.2, s.242.

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 Education 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.

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 in writing of its decision to the board of education or the conseil scolaire, the person affected by the decision, and the Saskatchewan League of Educational Administrators, Directors and Superintendents.

(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.

**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

Teacher Classification Board continued

270(1) The Teacher Classification Board is continued.

(2) The Teacher Classification Board consists of:

- (a) two representatives of the association appointed by its executive committee;
- (b) two representatives of the federation appointed by its executive committee; and

- (c) two other persons appointed by the minister, one of whom shall be the chairperson.
- (3) Each member appointed pursuant to subsection (2) holds office until his or her successor is appointed.

1995, c.E-0.2, s.270.

Responsibilities of Teacher Classification Board

271(1) The Teacher Classification Board shall:

- (a) make recommendations to the minister with respect to defining and classifying teacher qualifications for inclusion in the regulations;
- (b) hear, in any manner that it may determine, the representations of any teacher, or anyone on the teacher's behalf, with respect to that teacher's inclusion in a class of teachers;
- (c) examine or review any evidence submitted to it; and
- (d) make a determination with respect to the classification of the teacher.
- (2) The determination made pursuant to subsection (1) is binding on the teacher and on the board of education or the conseil scolaire employing the teacher.

1995, c.E-0.2, s.271.

BOARD OF TEACHER EDUCATION AND CERTIFICATION

Board of Teacher Education and Certification continued

272(1) The Board of Teacher Education and Certification is continued.

- (2) The Board of Teacher Education and Certification consists of:
 - (a) three persons employed by the department, designated by the minister;
 - (b) one person designated by the president of The University of Saskatchewan;
 - (c) one person designated by the president of The University of Regina;
 - (d) two persons designated by the executive committee of the federation;
 - (e) two persons designated by the executive committee of the association;
 - (f) one person designated by the president of the First Nations University of Canada;
 - (g) one person designated by the executive board of the Saskatchewan League of Educational Administrators, Directors and Superintendents; and
 - (h) one person designated by the president of the Gabriel Dumont Institute.
- (3) In addition to the members designated pursuant to clause (2)(a), the minister, where the minister considers it advisable, may designate not more than two additional persons to be members of the board.

- (4) Each member designated pursuant to subsection (2) or (3):
 - (a) shall be appointed for a term of one year or until his or her successor is designated, whichever is later; and
 - (b) is eligible for reappointment.
- (5) The minister shall designate:
 - (a) one of the three members designated pursuant to clause (2)(a) as chairperson; and
 - (b) one other member of the board as vice-chairperson.
- (6) The chairperson shall sign all contracts, agreements, orders, rules and other documents on behalf of the board.
- (7) The board shall meet at least twice in each year at the times and places specified by the chairperson.
- (8) A majority of the members of the board constitutes a quorum.
- (9) A simple majority is sufficient to pass a resolution of the board.
- (10) The board may exercise any of its powers by resolution.

1995, c.E-0.2, s.272; 2005, c.11, s.21.

Vacancies on board

273 A vacancy in the membership of the Board of Teacher Education and Certification caused by death or resignation shall be filled for the unexpired term of office in accordance with the provisions of section 272 with respect to the designation of members.

1995, c.E-0.2, s.273.

Responsibilities of board

274 The Board of Teacher Education and Certification shall:

- (a) recommend to the minister and to the presidents of the universities a program for the education and training of teachers;
- (b) outline the general purposes and proposals that govern the program for the education and training of teachers;
- (c) specify the results that may be expected from implementation of the program mentioned in clause (a);
- (d) consider and review, both as a whole or in any or all of its phases, any existing detailed instructional program for the preparation of teachers, including the subject-matter of all courses of instruction;
- (e) report to the minister and to the presidents of the universities its findings, views and opinions with respect to the program mentioned in clause (d) and make any recommendations pertaining to the program that are considered advisable;

- (f) on the annual preparation of the estimates of expenditures of the universities, review those estimates insofar as they relate to appropriations on behalf of the colleges of education for the ensuing fiscal year;
- (g) with respect to special grants received from the department or from any other source for special projects relating to the education and training of teachers, make arrangements with the universities for the administration of the grants by the universities in any manner and subject to any terms and conditions that may be agreed on between the board and either or both of the universities;
- (h) review, from time to time, the regulations pursuant to this Act governing teachers' certificates;
- (i) recommend to the minister any changes in the regulations that it considers advisable; and
- (j) make recommendations to the minister with respect to the certification of any person whose status with respect to qualifications is referred to it.

1995, c.E-0.2, s.274.

Powers of board

275 The Board of Teacher Education and Certification may:

- (a) arrange for studies or investigations of problems related to the education and training of teachers in Saskatchewan;
- (b) arrange for consultants to assist it in any studies considered necessary to the performance of any of the duties imposed on it by section 274;
- (c) submit proposals to the presidents of the universities with respect to staffing of the colleges of education of the universities; and
- (d) propose or recommend to the minister policies considered to be desirable to improve or expedite administration of the regulations governing teachers' certificates.

1995, c.E-0.2, s.275.

Expenses of members of board

276 The members of the Board of Teacher Education and Certification are entitled to be paid allowances for travelling and other expenses in an amount or at a rate that the Lieutenant Governor in Council may determine.

1995, c.E-0.2, s.276.

PART VI
Finance
BUDGET

Interpretation, “fiscal year”

277 In this Part, “**fiscal year**” means calendar year.

1995, c.E-0.2, s.277.

Estimates of annual revenue and expenditures

278(1) As early as possible in each fiscal year, but not later than the day specified in each fiscal year by the minister, every board of education and the conseil scolaire shall prepare a statement of program objectives and estimates of revenue and expenditures required for the purposes of the school division or the conseil scolaire for the next fiscal year.

(2) The statement mentioned in subsection (1) that is prepared by a board of education must include a supplementary statement referring to policies and programs of the board of education, together with any statistical data with respect to school enrolment, personnel requirements and taxable assessment for the next fiscal year.

(3) Without restricting the generality of subsection (2), the statement mentioned in subsection (1) must include expenditures required for:

- (a) administrative services;
- (b) instruction;
- (c) plant operation and maintenance;
- (d) equipment and supplies;
- (e) transportation of pupils;
- (f) debt retirement;
- (g) fees and payments to other boards of education, the conseil scolaire, institutions and persons on account of services rendered to the board of education on behalf of pupils in its jurisdiction;
- (h) allowances to parents or pupils for transportation or living expenses in special cases; and
- (i) contributions to capital requirements from current revenue.

(4) The statement mentioned in subsection (1) that is prepared by the conseil scolaire must include a supplementary statement referring to policies and programs of the conseil scolaire, together with any statistical data with respect to school enrolment and personnel requirements for the next fiscal year.

(5) Without restricting the generality of subsection (4), the statement mentioned in subsection (1) must include expenditures required for:

- (a) administrative services;
- (b) instruction;
- (c) plant operation and maintenance;
- (d) equipment and supplies;
- (e) transportation of pupils;
- (f) debt retirement;
- (g) fees and payments to boards of education, institutions and persons on account of services rendered to the conseil scolaire on behalf of pupils in its jurisdiction;
- (h) allowances to parents or pupils for transportation or living expenses in special cases; and
- (i) contributions to capital requirements from current revenue.

1995, c.E-0.2, s.278; 1998, c.21, s.103 and 127.

Estimates of capital expenditures

279(1) Every board of education and the conseil scolaire shall prepare and maintain a three-year forecast of expenditures anticipated for new school buildings, major renovation of existing buildings and other major capital expenditures on account of which borrowing of funds may be necessary.

(2) The forecasts mentioned in subsection (1) are to be subject to annual review by the board of education or the conseil scolaire for the purposes of:

- (a) updating; and
- (b) determining requirements and action to be taken with respect to the fiscal year in which the expenditures will be incurred.

1995, c.E-0.2, s.279; 1998, c.21, s.104.

Review and consultation

280 Estimates of expenditures for current and capital purposes may be subject to analysis and research by both the department and the board or the conseil scolaire in consultation with the department.

1995, c.E-0.2, s.280.

Final estimates of revenue and expenditures for current operations

281(1) As early as possible in each fiscal year, but not later than April 1, a board of education shall, by resolution, adopt a final statement setting forth in as much detail as is practicable the items and amounts of expenditures for which appropriations are approved, together with estimates of revenue from taxation, grants, fees and receipts from other sources that are anticipated for the fiscal year.

(2) As early as possible in each fiscal year, but not later than April 1, the conseil scolaire shall, by resolution, adopt a final statement setting forth in as much detail as is practicable the items and amounts of expenditures for which appropriations are approved, together with estimates of revenue from grants, fees and receipts from other sources that are anticipated for the fiscal year.

1995, c.E-0.2, s.281; 1998, c.21, s.105.

Reports to minister

282 A board of education or the conseil scolaire shall furnish to the minister copies of budget estimates, financial statements and other information in any form and at any times that the minister may consider necessary.

1998, c.21, s.106.

Previous financial statements

283(1) On or before June 30 in each fiscal year, a board of education shall cause to be prepared and presented to the board of education a statement of the public accounts of the school division for the preceding year.

(2) On or before June 30 in each fiscal year the conseil scolaire shall cause to be prepared and table at a public meeting of the conseil scolaire a statement of the public accounts of the conseil scolaire for the preceding fiscal year.

(3) The public accounts prepared pursuant to subsection (1) or (2) shall:

- (a) be open for inspection by any person during regular business hours;
- (b) be printed in sufficient quantity and distributed in a manner to satisfy any requests for copies.

(4) Subject to any limitations or requirements that may be prescribed in the regulations, the public accounts prepared pursuant to subsection (1) or (2) shall:

- (a) in the case of a board of education, incorporate the audited financial statement of the school division prepared pursuant to clause 85(1)(s);
- (b) in the case of a conseil scolaire, incorporate the audited financial statement of the conseil scolaire prepared pursuant to clause 86(1)(s);
- (c) show clearly and fully the revenues, expenditures, assets and liabilities of the school division or the conseil scolaire as at December 31 of the preceding fiscal year;
- (d) show clearly and fully the state of the operating and capital funds, and of any other funds provided for in this Act, of the school division or conseil scolaire as at December 31 of the preceding fiscal year;
- (e) set forth all matters that are required to explain the financial transactions and position of the school division or the conseil scolaire during and at the close of the preceding school year; and

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- (f) show clearly and fully:
 - (i) the remuneration paid to each employee of the board of education or the conseil scolaire;
 - (ii) expenditures pursuant to any contract; and
 - (iii) expenditures, grants and contributions of goods and services made pursuant to section 87 in the case of a board of education, or pursuant to section 88 in the case of a conseil scolaire.
- (5) The board of education or conseil scolaire shall review and discuss the public accounts prescribed pursuant to subsection (1) or (2) prior to September 30 in each fiscal year.

1995, c.E-0.2, s.283; 1998, c.21, s.107.

TAXATION**Statements to be submitted to board of education**

284(1) A certified statement of the total taxable property assessment of the school division or portion of the school division and of lands required to be taxed for the school division that are situated within the municipality as shown on the last revised assessment roll must be prepared by:

- (a) the clerk of every city or town in the school division;
 - (b) the secretary of every village in the school division; and
 - (c) the secretary or secretary-treasurer of every rural municipality in the school division.
- (2) On or before February 1 in each year or, in the case of a school division established subsequent to that date in any year, as soon as possible after it is established, each of the persons mentioned in clauses (1)(a) to (c) shall transmit the certified statement mentioned in subsection (1) to the board of education and the Saskatchewan Assessment Management Agency.

1995, c.E-0.2, s.284; 2000, c.42, s.3.

Uniform tax

285(1) Subject to subsections (2) to (4), commencing on January 1 following the date of the order establishing a school division and every fiscal year after that time, a uniform tax is to be levied over the taxable property contained in the school division.

- (2) The proceeds of the uniform tax mentioned in subsection (1) are to be sufficient to defray all operating costs of the school division to the extent to which those costs are to be borne by the board of education from moneys other than grants and other miscellaneous revenues.
- (3) If the board of education assumes the duties of office during the year in which the school division is established, the tax rate or rates in effect on the date the school division is established are to be the tax rates for that fiscal year.
- (4) The minister may authorize a levy to be made in the first year a school division is established if tax rates have not already been levied with respect to all or any portion of the taxable assessment of the school division.

1995, c.E-0.2, s.285.

Restructured school divisions

285.1 Notwithstanding any other provision of this Part, if, on or after the coming into force of this section, a school division is disestablished and the area of the disestablished school division is included in the area of another school division, for the first year, or for the first and second years, following the year in which the one school division was disestablished, the board of education of the other school division may set:

- (a) one tax rate for the year in the area of the disestablished school division; and
- (b) a different tax rate for the year in the balance of the area of the school division.

2002, c.29, s.4.

Cash reserve

286(1) For the purposes of creating and maintaining a cash reserve, a board of education may increase the uniform tax annually by an amount not exceeding 20% of the estimated current requirements until a surplus equivalent to one year's expenditures of the board of education is accumulated.

(2) The uniform tax to be levied pursuant to section 285 may be increased by any amount that the additional proceeds it will be sufficient to provide in whole or in part for the matters with respect to which the school division is empowered to borrow money pursuant to section 321.

(3) Any reserve created for capital expenditures pursuant to the provisions of this section must be held as a special fund for the purposes of constructing or acquiring any capital works that may be approved.

1995, c.E-0.2, s.286.

Requisition for and payment to division of local school district tax

287(1) On receipt of the statement of the estimated expenditures of a school district mentioned in clause 134(1)(e), the board of education may, on receipt of any additional information as it may require:

- (a) alter, vary, increase or decrease those expenditures; and
- (b) approve an additional levy.

(2) The board of education shall notify the taxing authorities of an additional levy mentioned in subsection (1) and, on notification, the taxing authorities shall make provision for the payment of it by the imposition of a tax.

(3) The tax imposed pursuant to subsection (2) is to be called the local school district tax and is to be levied over the assessable property in the district.

(4) The proceeds of the tax mentioned in subsection (3) are to be paid over to the board of education at least once in each month.

1995, c.E-0.2, s.287.

Board of education to fix tax rate

288(1) On approving its annual estimates of expenditures and revenues contained in the statement prepared pursuant to section 278, a board of education shall determine the sums required to be derived from the levy on the taxable assessment of the school division.

(2) On receipt of the certified statements mentioned in section 284, the board of education shall determine the uniform rate in mills to be levied.

(3) Where provision is made for a cash reserve or for a reserve for capital expenditures pursuant to section 286, the rates in mills fixed for those purposes may be added to the uniform rate mentioned in subsection (2).

(4) Where an additional levy is approved pursuant to subsection 287(1) on behalf of the board of trustees of a school district, the rate in mills to be levied with the approval of the board of education is to be applicable only to the taxable assessment of that school district.

1995, c.E-0.2, s.288.

Notification of taxing authorities

289(1) As soon as possible in each fiscal year but, except in the case of the newly established school division, not later than April 1, a board of education shall notify the proper taxing authorities and the board of trustees of each school district in the school division of the tax rates mentioned in section 288.

(2) The notification of the tax rate must be given by submitting a certified copy of the resolution of the board of education establishing the tax rates.

1995, c.E-0.2, s.289.

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) Where 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 an amount equal to the rate or rates in mills fixed by the board of education on the assessment of all lands in the school division as shown on the last revised assessment roll of the municipality.

(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.

Agricultural lands

290.1 Notwithstanding any other provision of this Part, where the lands with respect to which taxes are levied are agricultural lands, the taxes to be levied on those lands pursuant to this Part are to be determined by applying the applicable rate as prescribed in the regulations to the uniform mill rate set by the board of education pursuant to subsection 288(2).

1997, c.35, s.22.

Payment to school division of uniform 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 uniform tax received over to the treasurer of the school division 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 school division.
- (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.

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.

Trust account with respect to local school district tax

293(1) A board of education shall keep in the office of the school division a separate and distinct account for each school district of the proceeds of the local school district tax.

(2) A board of education shall deposit all proceeds mentioned in subsection (1) in a bank or credit union in trust for the school district.

(3) The proceeds of the local school district tax are to be disbursed by the board of education for the benefit of the school district in accordance with the stated purposes of the board of trustees in requesting the levy and in consultation with the members of the board of trustees concerning the details of disbursements to be made on their behalf.

1995, c.E-0.2, s.293.

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 department, in accordance with *The Tabling of Documents Act, 1991*, 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 *The Tabling of Documents Act, 1991*, 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.

SCHOOL ASSESSMENT

Property liable to levy for tax

296 Taxes for educational purposes pursuant to this Act are to be levied on land, buildings, pipe lines 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*.

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.

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*, 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.

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 secretary of the public school division in which a separate school division has been established; and
- (c) the secretary 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) Any person who contravenes subsection (8) is guilty of an offence and liable on summary conviction to a fine of not more than \$200.

1995, c.E-0.2, s.299; 1999, c.16, s.8.

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 companies, 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 companies, 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 prescribe 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 uniform 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 uniform 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.

Uniform tax rate of division to be applied

301(1) All taxes levied pursuant to sections 299 and 300 must be at the uniform 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.

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 treasurers 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 treasurers 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) Treasurers shall 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.

Statement of taxable assessment of company

303(1) Section 284 applies with any necessary modification, to notices, to and for the purposes of notifying boards of education with respect to sharing the taxable assessment mentioned in section 302.

(2) The notification required pursuant to subsection (1) must be sent to 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.

1995, c.E-0.2, s.303.

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* or *The Municipalities Act* 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.

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) Any property held by a body corporate that is not listed in a notice mentioned in subsection (1) is to be assessed for the purposes of the public school division.

(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.

1995, c.E-0.2, s.305; 1999, c.16, s.11.

306 Repealed. 2000, c.42, s.5.**Exception to uniform rates**

306.1 Notwithstanding any other provision of this Act, where, pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act*, a municipality may adjust a rate provided for in section 288, or apply mill rate factors to that rate, the municipality may adjust the rate or apply the mill rate factors in accordance with the applicable Act, and the board of education of a school division may enter into any agreement that, pursuant to any of those Act, may be entered into by a taxing authority.

1996, c.45, s.14; 2002, c.27, s.3; 2005, c.21, s.3.

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 writ of execution against a board of education may be endorsed with a direction to the sheriff to levy the amount of the writ by rate.

(2) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the school division or leave the copy at the treasurer's office or dwelling place with a statement in writing of:

- (a) the amount required to satisfy the execution;
- (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 treasurer of the school division and shall by that precept, after reciting the writ and that the board of education has failed to satisfy it, command the treasurer 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 execution 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 treasurer of the school division 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 execution under the title "Execution 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 him or her, the treasurer of the school division shall return the precept to the sheriff and at the same time remit to the sheriff the amount of the execution.

(7) After satisfying the execution and all fees related to it, the sheriff shall return within 10 days of receiving it any surplus to the treasurer of the school division 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 executions, the treasurer of the school division and the clerk, secretary or secretary-treasurer of each municipality affected are deemed to be officers of the court out of which the writ 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.

GRANTS

Operating grants

310(1) Subject to subsections (2) and (3) and any terms and conditions that may be prescribed in the regulations, each school division is entitled to an operating grant for the period from April 1 in one year to March 31 in the following year in an amount equal to the amount by which the recognized local expenditure of the school division exceeds its recognized local revenue.

(2) The minister shall determine the recognized local expenditure for each school division and, in so doing, shall take into consideration the number of pupils enrolled in the school or schools in the division.

(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 school division or otherwise outside the jurisdiction of the board of education; 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 each school division consisting of:

- (a) the product obtained when the assessment of the school division or, where applicable, the equalized assessment or equivalency assessment determined pursuant to subsection (5) is multiplied by a mill rate fixed by the minister;
- (b) any other revenues from fees and other sources that may be recognized by the minister; and
- (c) recognized revenues that were previously received but that were not taken into account in grant calculations.

(5) The minister shall determine an equalized assessment or an equivalency assessment for each school division after the minister has consulted with the Saskatchewan Assessment Management Agency established pursuant to *The Assessment Management Agency Act*.

(6) The minister may deduct from any annual operating grant payable to a school division the amount of the fees for membership in an association recognized and approved for the purposes of clause 87(1)(u), unless the school division, on or before December 1 in any year, requests the minister, in writing, not to make the deduction.

(7) 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.310; 1999, c.16, s.12; 2005, c.11, s.22.

Capital grants

311 Subject to any terms and conditions that may be prescribed in the regulations, the minister may make capital grants to a board of education to assist it in:

- (a) acquiring school sites or buildings, by construction or purchase, for use as schools;
- (b) acquiring materials and capital equipment necessary for the operation or renovation of schools;
- (c) constructing dental facilities for children in schools;
- (d) where a school division is located in the Northern Saskatchewan Administration District, acquiring:
 - (i) sites or buildings, by construction or purchase, for use as teacher's residences; or
 - (ii) materials and capital equipment necessary for the operation or renovation of any teacher's residence.

1995, c.E-0.2, s.311.

Information required re grants

312(1) In order to provide for the proper administration of sections 310 and 311, the minister may require, in the form and at the times that the minister may prescribe:

- (a) from each school division, any returns, statements, reports and information that the minister considers necessary;
 - (b) from any municipality within which the whole or any part of a school division is situated, a certified statement setting forth information with respect to the taxable assessment of that school division.
- (2) Where a school division fails to comply with a request of the minister made pursuant to subsection (1), the minister may withhold the payment of the whole or any portion of any grant or cancel the payment of the whole or any portion of any grant that would otherwise be payable to the school division pursuant to this Act.
- (3) 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 department or to the Department of Finance.
- (4) All grants provided for by this Act that may be paid to a board of education are payable subject to the condition that the school division and the schools in it are organized, operated and maintained in accordance with this Act and the regulations.

1995, c.E-0.2, s.312.

Operating grants to conseil scolaire

313(1) Subject to subsections (2) and (3), section 315, and any terms and conditions that may be prescribed in the regulations, the conseil scolaire is entitled to an operating grant for the period from April 1 in one year to March 31 in the following year in an amount equal to the amount by which the recognized local expenditure of the conseil scolaire exceeds its recognized local revenue.

- (2) The minister shall determine the recognized local expenditure for the conseil scolaire and, in so doing, shall take into consideration the number of pupils enrolled in the fransaskois schools in the division scolaire francophone.
- (3) Where applicable, the minister shall include sums for:
- (a) administration;
 - (b) instruction;
 - (c) plant operation and maintenance;
 - (d) transportation of pupils;
 - (e) any other recognized expenditures, including fees and other payments made on behalf of pupils attending schools or institutions outside the division scolaire francophone or otherwise outside the jurisdiction of the conseil scolaire; and
 - (f) previous expenditures that were approved by the minister but that were not taken into account in grant calculations.
- (4) The minister shall calculate the recognized local revenue for the conseil scolaire consisting of:
- (a) any revenues from fees and other sources that may be recognized by the minister; and
 - (b) recognized revenues that were previously received but that were not taken into account in grant calculations.
- (5) The minister may deduct from any annual operating grant payable to the conseil scolaire the amount of the fees for membership in an association recognized and approved for the purposes of clause 88(1)(r) unless the conseil scolaire, on or before December 1 in any year, requests the minister, in writing, not to make the deduction.
- (6) The minister may prescribe the minimum or maximum amount of any grant to be paid pursuant to this section.

1995, c.E-0.2, s.313; 1998, c.21, s.108; 1999, c.16, s.13; 2002, c.29, s.5.

Capital grants to conseil scolaire

314 Subject to section 315 and any terms or conditions that may be prescribed in the regulations, the minister may make a capital grant to the conseil scolaire to assist it in:

- (a) acquiring school sites or buildings, by construction or purchase, for use as schools;
- (b) acquiring materials and capital equipment necessary for the operation or renovation of schools;
- (c) constructing dental facilities for children in schools;

(d) where a francophone education area is located in the Northern Saskatchewan Administration District, acquiring:

- (i) sites or buildings, by construction or purchase, for use as teacher's residences; or
- (ii) materials and capital equipment necessary for the operation or renovation of any teacher's residence.

1995, c.E-0.2, s.314; 1998, c.21, s.109.

Information required re conseil scolaire grants

315(1) In order to provide 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 prescribe, any returns, statements, reports and information that the minister considers necessary.

(2) Where the conseil scolaire fails to comply with a request of the minister made pursuant to subsection (1), the minister may withhold the payment of the whole or any portion of any grant or cancel the payment of the whole or any portion of any grant that would otherwise be payable to the conseil scolaire pursuant to this Act or the regulations.

(3) The minister may apply any capital or operating grant due to the conseil scolaire in repayment of any indebtedness of the conseil scolaire to the department or to the Department of Finance.

(4) All grants provided for by this Act or the regulations that may be paid to the conseil scolaire are payable subject to the condition that the conseil scolaire and the francsaskois schools in the division scolaire francophone are organized, operated and maintained in accordance with this Act and the regulations.

1995, c.E-0.2, s.315; 1998, c.21, s.110.

316 to 318 Repealed. 1998, c.21, s.111.

BORROWING POWERS OF BOARD OF EDUCATION OR CONSEIL SCOLAIRE

Loans for current expenditures

319(1) A board of education may, by resolution, authorize its chairperson and treasurer to borrow:

- (a) any sum of money that may be required for necessary expenditures of the board of education pending receipt of the proceeds of taxes and other revenue; and
- (b) any sum of money that the board of education considers necessary to provide for its current expenditures on the security of operating grants payable to the school division pursuant to section 310, where borrowing pursuant to clause (a) is insufficient to do so.

(2) A loan made pursuant to clause (1)(a) must be paid out of and be a first charge on the uniform tax levy for the fiscal year in which the loan is made.

(3) A loan made pursuant to clause (1)(a) may be secured by the promissory note or notes of the chairperson and treasurer given on behalf of the board of education.

(4) Where a board of education borrows money pursuant to clause (1)(b), the board of education, if requested to do so by the person making the loan, shall immediately notify the Minister of Finance and the department of the fact, giving particulars of the loan.

(5) The notification mentioned in subsection (4) is the authority to the Minister of Finance to repay the loan out of any operating grant that may become payable to the school division pursuant to section 310.

(6) Where the loan mentioned in subsection (4) is repaid out of the ordinary funds of the school division, the board of education shall immediately file with the Minister of Finance and the department a statement from the person from whom the money was borrowed certifying the repayment of the loan.

(7) The statement mentioned in subsection (6) is sufficient to cancel the authority of the Minister of Finance to repay the loan out of any operating grants payable pursuant to section 310.

1995, c.E-0.2, s.319.

Loans to conseil scolaire for current expenditures

320(1) The conseil scolaire may, by resolution, authorize its président and its treasurer to borrow:

(a) any sum of money that may be required for necessary expenditures of the conseil scolaire pending the receipt of monies other than those described in clause (b); and

(b) any sum of money that the conseil scolaire considers necessary to provide for its current expenditures on the security of operating grants payable to the conseil scolaire pursuant to section 313, where borrowing pursuant to clause (a) is insufficient to do so.

(2) A loan made pursuant to clause (1)(a) must be paid out of and be a first charge on the revenues for the fiscal year in which the loan is made.

(3) A loan made pursuant to clause (1)(a) may be secured by the promissory note or notes of the président and the treasurer given on behalf of the conseil scolaire.

(4) Where the conseil scolaire borrows pursuant to clause (1)(b), the conseil scolaire, if requested to do so by the person making the loan, shall immediately notify the Minister of Finance and the department of the fact, giving particulars of the loan.

(5) The notification mentioned in subsection (4) is the authority to the Minister of Finance to repay the loan out of any operating grant that may become payable to the conseil scolaire pursuant to section 313.

(6) Where the loan mentioned in subsection (4) is repaid out of the ordinary funds of the conseil scolaire, the conseil scolaire shall immediately file with the Minister of Finance and the department a statement from the person from whom the money was borrowed certifying the repayment of the loan.

(7) The statement mentioned in subsection (6) is sufficient to cancel the authority of the Minister of Finance to repay the loan out of any operating grants payable pursuant to section 313.

1995, c.E-0.2, s.320; 1998, c.21, s.112 and 127.

Borrowing for capital expenditures

321(1) 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 school building, a staff residence or a building to be used as a dormitory or for the purposes of school administration;
 - (b) to purchase or otherwise acquire or extend or improve a school site or a site for other 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) On the decision of a board of education or the conseil scolaire to borrow for any of the purposes mentioned in subsection (1), the board of education or the conseil scolaire shall pass a bylaw for the purposes of section 328.
- (3) 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 bylaw except where, on completion of the work stated in the bylaw, there remains an unexpended balance, in which case:
- (a) in the case of a board of education, the board of education may, by resolution citing the facts:
 - (i) declare its intention to apply to the Saskatchewan Municipal Board for authority to use that balance for any of the purposes provided for in this section; or
 - (ii) declare its intention to apply to the minister for authority to use that balance for payment of debenture coupons next maturing; or
 - (b) in the case of the conseil scolaire, the conseil scolaire may, by resolution citing the facts, declare its intention to apply to the minister for authority to use that balance for any of the purposes provided for in this section.
- (4) For the purposes of clauses (3)(a) and (b), the minister or the Saskatchewan Municipal Board may grant the board of education or the conseil scolaire permission to use the balance for any purposes on any terms and conditions that are considered expedient.
- (5) The members of a board of education who vote for the diversion of debenture moneys are jointly and severally liable for the amount so diverted, and that amount may be recovered by legal action by any elector on behalf of the school division.

- (6) The Saskatchewan Municipal Board may:
 - (a) authorize a board of education to secure a debt incurred pursuant to this section by promissory note, debenture or other form of security in favour of any person or institution; and
 - (b) fix the maximum rate of interest and the period within which the debt must be repaid.
- (7) The minister may:
 - (a) authorize the conseil scolaire to secure a debt incurred pursuant to this section by promissory note or other form of security in favour of any person or institution; and
 - (b) fix the maximum rate of interest and the period within which the debt must be repaid.

1995, c.E-0.2, s.321; 1998, c.21, s.113, 127 and 128.

Minister may guarantee certain loans

322(1) In accordance with any terms and conditions that may be prescribed in the regulations, and subject to section 46 of *The Financial Administration Act, 1993*, the minister may guarantee a loan obtained by a conseil scolaire for capital expenditures.

(2) The minister shall not guarantee a loan pursuant to subsection (1) unless the promissory note or other form of security given by the conseil scolaire to the lender with respect to that loan:

- (a) states that:
 - (i) the principal is repayable in equal instalments annually or more frequently over the term of the borrowing; and
 - (ii) the interest is payable annually or semi-annually on the balance remaining unpaid; or
- (b) states that:
 - (i) the principal and interest are to be paid in equal instalments, annually or more frequently; and
 - (ii) the repayment of the principal is amortized in full over the term of repayment.

1995, c.E-0.2, s.322.

Resolution setting forth intent to borrow

323(1) A resolution setting forth the intent to borrow pursuant to section 321 must be passed by the board of education at a meeting that is called showing in detail:

- (a) the amount proposed to be borrowed;
- (b) the purposes for which the expenditure is to be made;
- (c) the term of the debentures, promissory note or other form of security to be issued;
- (d) the rate of interest payable; and
- (e) the method of repayment.

(2) A resolution setting forth the intent to borrow pursuant to section 315 must be passed by the conseil scolaire at a meeting that is called showing in detail:

- (a) the amount proposed to be borrowed;
- (b) the purposes for which the expenditure is to be made;
- (c) the term of the promissory note or other form of security to be issued;
- (d) the rate of interest payable; and
- (e) the method of repayment.

(3) After the resolution mentioned in subsection (1) is passed, the board of education shall immediately publish, in accordance with the provisions of *The Local Government Election Act*, a notice of its intention to apply to the Saskatchewan Municipal Board pursuant to section 324.

(4) The board of education shall fix one or more dates, not earlier than five days and not later than 15 days after publication of the notice mentioned in subsection (3), on which electors may make personal or written representations and submissions to the board of education with respect to the proposed borrowing.

(5) After the resolution mentioned in subsection (2) is passed, the conseil scolaire shall immediately, in accordance with the regulations, give notice of its intention to make application to the minister pursuant to section 325.

(6) The conseil scolaire shall fix one or more dates, not earlier than five days and not later than 15 days after giving the notice mentioned in subsection (5), on which voters may make personal or written representations and submissions to the conseil scolaire with respect to the proposed borrowing.

(7) For the purposes of subsection (4), one or more of the dates mentioned in the notice must be designated with respect to the time and place fixed by the board of education for hearing and receiving submissions of electors by members of the board of education and for any consultation and discussion that members of the board of education or the electors in attendance may initiate with respect to the proposed borrowing.

(8) For the purposes of subsection (6), one or more of the dates mentioned in the notice must be designated with respect to the time and place fixed by the conseil scolaire for hearing and receiving submissions of voters by members of the conseil scolaire and for any consultation and discussion that members of the conseil scolaire or the voters in attendance may initiate with respect to the proposed borrowing.

1995, c.E-0.2, s.323; 1996, c.45, s.16.

Application to Saskatchewan Municipal Board by board of education

324(1) On passing a resolution mentioned in section 323, or at any time after that date that the board of education considers appropriate, the board of education shall apply to the Saskatchewan Municipal Board for authorization of a loan.

(2) The board of education shall transmit a copy of the resolution mentioned in subsection (1) that is signed by the chairperson of the board of education and certified by the treasurer under the corporate seal of the school division.

1995, c.E-0.2, s.324.

Application to minister by conseil scolaire

325(1) On passing a resolution mentioned in section 323, or at any time after that date that the conseil scolaire considers appropriate, the conseil scolaire shall apply to the minister for authorization of a loan.

(2) The conseil scolaire shall transmit a copy of the resolution signed by the président of the conseil scolaire and certified by the treasurer under the corporate seal of the conseil scolaire.

1995, c.E-0.2, s.325.

Action by the Saskatchewan Municipal Board

326(1) On receipt of an application and resolution mentioned in section 324, the Saskatchewan Municipal Board shall take any action that it considers advisable.

(2) The Saskatchewan Municipal Board shall immediately notify the board of education of the terms of the authorization if the loan is authorized.

(3) The Saskatchewan Municipal Board shall cause notice of the authorization to be published in the Gazette.

1995, c.E-0.2, s.326.

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 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.

Bylaw

328(1) Within 30 days of the day of the notification that the loan has been authorized by the Saskatchewan Municipal Board, the board of education shall pass a bylaw on the terms and in the form prescribed by the Saskatchewan Municipal Board or in a similar form.

(2) Within 30 days of the day of the notification pursuant to section 327 that the loan has been authorized by the minister, the conseil scolaire shall pass a bylaw on the terms and in the form prescribed by the minister or in a similar form.

(3) A bylaw passed by a board of education pursuant to subsection (1) shall be submitted to a vote of the electors:

(a) if it is so ordered by the Saskatchewan Municipal Board;

(b) if a petition for a vote, signed by at least 20% of the electors in the school division, is presented to the board of education within 30 days after publication of the notice of intention mentioned in subsection 323(1); or

- (c) if the board of education, in consideration of any submissions and representations that may be received on the publication of the notice of intention mentioned in subsection 323(3), considers it advisable to submit the question to a vote of the electors and by its own resolution orders a vote.
- (4) Clause (3)(b) does not apply in a school division previously established as a larger school unit pursuant to *The Larger School Units Act* or in any school division subsequently established that substantially comprises the whole or portions of that school division.
- (5) A bylaw passed by the conseil scolaire pursuant to subsection (2) shall be submitted to a vote of the voters:
 - (a) **Repealed.** 1998, c.21, s.114.
 - (b) if the conseil scolaire, in consideration of any submissions and representations that may be received after the notice of intention mentioned in subsection 323(5) is given, considers it advisable to submit the question to a vote of the voters and, by its own resolution orders a vote.
- (6) Where a bylaw is approved by a vote of the electors or voters, as the case may be, the bylaw is to be given third reading and passed within 30 days after the voting takes place, but no bylaw shall be passed:
 - (a) until after the expiration of 14 days after the result of the voting has been declared; or
 - (b) if within that 14-day period a recount has been applied for, until the judge has transmitted to the secretary of the school division or the conseil scolaire a written statement of the result of the recount.
- (7) In calculating the 30-day period set out in subsection (6), the time that intervenes between applying for a recount and the final disposition of the recount shall not be included.
- (8) The Saskatchewan Municipal Board may extend the time for passing a bylaw pursuant to subsection (1) if the time has been allowed to elapse without the bylaw being passed.
- (9) A board of education may, by bylaw, make any changes in a bylaw that the board of education considers expedient, but no change to a bylaw is effective until the change is approved by the Saskatchewan Municipal Board.
- (10) The conseil scolaire may, by bylaw, make any changes in a bylaw that the conseil scolaire considers expedient, but no change to a bylaw is effective until the change is approved by the minister.

1995, c.E-0.2, s.328; 1998, c.21, s.114.

Mortgages for housing

329 Notwithstanding the provisions of sections 321 to 328, 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).

1995, c.E-0.2, s.329; 1998, c.21, s.127.

POLL ON BYLAW

Procedure for poll on bylaw

330(1) Where a bylaw passed by a board of education is to be submitted to the electors pursuant to section 328, the vote on the bylaw is to be held in accordance with *The Local Government Election Act*.

(2) Where a bylaw passed by the conseil scolaire is to be submitted to the voters pursuant to section 328, the vote on the bylaw is to be held in accordance with the regulations.

1995, c.E-0.2, s.330; 1998, c.21, s.115 and 127.

DEBENTURES

Issue of debentures and signature

331(1) Subject to the other provisions of this Act, a board of education may issue debentures of the school division to secure the amount of the principal sum borrowed and the interest on it.

(2) The debentures and the coupons must bear the written or printed signature of the chairperson of the board of education and the written signature of the treasurer.

(3) The debentures must be sealed with the corporate seal of the school division.

(4) Notwithstanding subsection (2), signatures on the coupons may be printed, stamped, engraved or lithographed.

1995, c.E-0.2, s.331.

Saskatchewan Municipal Board signs and seals debentures

332(1) The Saskatchewan Municipal Board may sign and seal the debentures pursuant to *The Municipal Board Act*, subject where applicable to receipt of the notice mentioned in *The Local Government Election Act*, together with a certified copy of the bylaw and the notice of the polling.

(2) Where the Saskatchewan Municipal Board signs debentures in accordance with subsection (1), the signing is conclusive proof that the debentures are valid, that they were issued legally and that all the formalities with respect to the loan and the issue of the debentures have been complied with.

(3) Every debenture signed by the Saskatchewan Municipal Board in accordance with subsection (1) is valid and binding on the school division that issues the debenture, and the validity of the debenture is not open to question in any court on any ground.

1995, c.E-0.2, s.332.

Term of debentures

333(1) Subject to subsection (2), no board of education shall issue a debenture where the term of the debenture exceeds 20 years.

(2) The Saskatchewan Municipal Board may authorize a debenture with a term of 25 years where it considers it expedient to do so.

(3) If the first instalment of principal and interest of a debenture is made payable at a time more than one year from the date of the debenture, as provided in section 336, the term of the debenture may be extended by the length of time by which the interval between the date of the debenture and the time fixed for payment of the first instalment exceeds one year.

1995, c.E-0.2, s.333.

Date and form of debenture

334(1) Debentures may be dated at any time within 24 months from the day on which notice of the authorization of the loan appears in the Gazette.

(2) The first instalment of principal and interest may be made payable at any time within 18 months of the date of the debentures.

(3) Debentures must be in the prescribed form and may specify any of the following:

(a) that the principal is repayable in equal annual instalments with interest annually or semi-annually on the balances remaining unpaid;

(b) that the principal and interest are combined and made payable in equal annual instalments;

(c) in the case of a school division comprising within its limits a city, that the principal is repayable at the end of a period of years with interest payable annually or semi-annually;

(d) that instalments of principal are to be of amounts that, with the interest payable annually or semi-annually, the aggregate amount payable for principal and interest is as nearly as possible the same in each year.

(4) Each instalment of principal is to be in amounts of \$100, \$500 or \$1,000, or a multiple of \$100, \$500 or \$1,000.

(5) Where the approval of the Saskatchewan Municipal Board has been obtained, a school division may issue debentures that are not in the prescribed form.

(6) Debentures and coupons may be made payable at any place in Canada, Great Britain or the United States of America in lawful money of Canada, Great Britain or the United States of America.

1995, c.E-0.2, s.334.

Registration of debenture

335 Before being issued every debenture must be sent by the treasurer for registration to the minister, who shall cause a proper record of the debenture to be kept.

1995, c.E-0.2, s.335.

SINKING FUND

Sinking fund account

336(1) Where a debenture mentioned in clause 334(3)(c) is issued, a sinking fund is to be established for the debenture.

(2) A sum sufficient, with the interest compounded annually at 4% per annum to retire the debentures at maturity is to be added each fiscal year to the sinking fund.

(3) In each fiscal year, the sum required by subsection (2) is to be raised and collected with the other school rates and taxes.

(4) The treasurer shall keep a separate record for each sinking fund account that shows the amount of moneys raised and appropriated from year to year for the purposes of the sinking fund.

1995, c.E-0.2, s.336.

Use of excess interest on sinking fund

337(1) A board of education may apply to the Saskatchewan Municipal Board if it receives during the current year interest on or earnings from its sinking fund investments in excess of interest at the rate required by subsection 336(2) after:

(a) paying the interest on a debt for the fiscal year preceding the year in which the application is made; and

(b) paying the necessary sum into the sinking fund account up to December 31 of that year.

(2) On application of the board of education pursuant to subsection (1), the Saskatchewan Municipal Board may, on any terms and conditions that it considers advisable, authorize the board of education to use the excess interest or earnings for current or other expenditures.

(3) Notwithstanding any other provision of this Act, the Saskatchewan Municipal Board may, on any terms and conditions that it considers advisable, authorize the board of education to use the whole or a part of any balance of excess interest or earnings held in reserve in the sinking fund account for any purposes that may be designated by the Saskatchewan Municipal Board where:

(a) the board of education applies to the Saskatchewan Municipal Board; and

(b) the Saskatchewan Municipal Board is satisfied that an exceptional situation exists with respect to the financial condition of a school division.

1995, c.E-0.2, s.337.

Restriction re sinking fund

338 Subject to section 337, no moneys received by a board of education for the purposes of a sinking fund are to be applied to the payment of any portion of the current or other expenditures of the school division.

1995, c.E-0.2, s.338.

Application of moneys credited to the sinking fund

339(1) A board of education, by bylaw, may direct that any part of the moneys credited to the sinking fund account of any debenture debt is to be applied to payment or redemption of any part of the debt or of the debentures representing the debt or any part of it whether or not the debt is payable at that time.

(2) The moneys directed pursuant to subsection (1) are exempted from the investment provision of section 341.

(3) The moneys directed pursuant to subsection (1) are to be paid as specified in the bylaw.

1995, c.E-0.2, s.339.

Diversion of moneys

340(1) Subject to section 337, if a board of education diverts any of the moneys in the sinking fund account for current or other expenditures, the members of the board who vote for the diversion are personally liable for the amount diverted.

(2) The amount diverted mentioned in subsection (1) may be recovered by the school division by legal action against those members of the board of education in the Court of Queen's Bench.

(3) If the board of education, on the request of an elector, refuses or neglects, for one month after the request, to bring an action pursuant to subsection (2) in the name of the school division, the action may be brought by any elector on behalf of the school division.

(4) Members of the board of education who vote for the diversion mentioned in subsection (1) are disqualified from being elected members of any board of education for a period of two years.

1995, c.E-0.2, s.340.

Investment of sinking fund

341(1) Subject to section 339 and to the prior approval of the Saskatchewan Municipal Board, a board of education:

- (a) may invest the moneys in the sinking fund in:
 - (i) the debentures or securities of the Government of Canada or of any province of Canada;
 - (ii) any debentures or securities whose payment is guaranteed by the Government of Canada or of any province in Canada;
 - (iii) the debentures of any municipal corporation or school division in Saskatchewan;
 - (iv) debentures of the school division; and
 - (b) may dispose of any investments on any terms and in any manner that it considers expedient.
- (2) A board of education may regulate, by bylaw, the manner in which investments are made.

- (3) A board of education is not required to dispose of debentures of the school division.
- (4) The board of education may apply the sinking fund to an amount equal to the amount of the debentures for the purposes to which the proceeds of the debentures are properly applicable.
- (5) The board of education shall hold the debentures as an investment on account of the sinking fund and deal with them accordingly.
- (6) A board of education may direct, by bylaw, that any surplus moneys in the hands of the treasurer that are not specifically appropriated to any other purpose be credited to the sinking fund account of any debenture debt.

1995, c.E-0.2, s.341.

TEMPORARY LOAN ON DEBENTURES

Temporary loan

- 342(1)** Subject to subsections (2) and (3), a board of education, by bylaw, may authorize the chairperson and the treasurer to raise by way of temporary loan any sums of money in anticipation of the issue or sale of debentures for authorized and specified purposes.
- (2) Prior to raising money by way of temporary loan, the Saskatchewan Municipal Board must give written authorization for the borrowing to which the debentures relate.
 - (3) Money may be raised pursuant to subsection (1) where:
 - (a) the board of education considers it expedient;
 - (b) the sum does not exceed, in the aggregate, 80% of the total principal sum authorized by the bylaw;
 - (c) the temporary loan is a special charge on the debentures with respect to which they were made; and
 - (d) notice of the written authorization of the Saskatchewan Municipal Board has been published in the Gazette.
 - (4) The chairperson and the treasurer may hypothecate and pledge the debentures as security for the temporary loan on any terms and conditions and at a rate of interest that may be agreed on and approved by the Saskatchewan Municipal Board.
 - (5) The person making the temporary loan shall have the same powers, rights and privileges to the extent of the amount of his or her claim as a bona fide purchaser or mortgagee of the debentures would have.
 - (6) Any contract or agreement made by a board of education for the sale, transfer or hypothecation of debentures or any interest in them is void where the contract or agreement is made before the board of education has been authorized to borrow the money represented by the debentures in accordance with section 326.

1995, c.E-0.2, s.342.

PART VII
School Property
 ACQUISITION AND DISPOSAL OF PROPERTY

School property vested in board of education or conseil scolaire

343 All buildings and land acquired by purchase, gift or devise for the purposes of a school division or the conseil scolaire is vested in the board of education or the conseil scolaire, as the case may be.

1998, c.21, s.116.

Acquisition of property

344(1) A board of education may, subject to clause 85(1)(d) and the regulations, and the conseil scolaire may, subject to clause 86(d) and the regulations, provide and maintain adequate real and personal property for its administrative and educational purposes and may do all or any of the following:

- (a) acquire and hold real and personal property or any interest in it;
 - (b) acquire additional land to add to land owned by it and acquire land for school buildings, whether the land is in or outside the school division, in the case of a board of education, or in or outside the division scolaire francophone, in the case of the conseil scolaire;
 - (c) acquire land or any rights in, on, over and under it, if necessary extending beyond the boundaries of school sites, for sewage, water, gas, electric power or other services;
 - (d) enter into contracts granting or acquiring an option to purchase or sell real or personal property;
 - (e) acquire, build, furnish and rent residences and dormitories;
 - (f) acquire, build, furnish and rent offices and other ancillary accommodation for itself and its employees for any purpose related to the provision of administrative and support services pertaining to the educational programs of the board of education or the conseil scolaire.
- (2) Subject to the other provisions of this Act and to the approval of the minister, any board of education or the conseil scolaire may enter into an agreement with one or more boards of education, the conseil scolaire, persons or municipalities for the joint construction, ownership, lease, maintenance, operation or use of a public work or building.
- (3) Subject to the other provisions of this Act and to the approval of the minister, any board of education or the conseil scolaire may authorize expenditures out of the funds of the school division or conseil scolaire, as the case may be, that are required for any agreement entered into pursuant to subsection (2).

1995, c.E-0.2, s.344; 1998, c.21, s.117.

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 lease or sell any of its real or personal property.

(2) With the prior approval of the minister and subject to any conditions that the minister may specify in the approval, a board of education or the conseil scolaire may lease or sell any lands and buildings that have been:

- (a) erected or acquired; and
- (b) previously used:
 - (i) for the instruction or accommodation of pupils; or
 - (ii) where a school division or part of the division scolaire francophone is located in the Northern Saskatchewan Administration District, for the purposes of a teacher's residence.

(3) Subject to subsection (4), where the real or personal property is appraised or appears likely to be sold at a value exceeding \$2,500, the board of education or the conseil scolaire shall:

- (a) advertise the sale of that property in at least two issues of a newspaper circulating in the school division;
- (b) request tenders or arrange for a public auction;
- (c) accept a tender or bid only if:
 - (i) in the case of a board of education, the board 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 conseil scolaire in the property are adequately protected; and
 - (iii) the approval of the minister has been obtained, where required.

(4) **Repealed.** 1998, c.21, s.118.

(4.1) A board of education may enter into an agreement with another board of education or the conseil scolaire, the council of a municipality, an Indian band, a registered independent school, the Crown in right of Saskatchewan or the Crown in right of Canada to sell, transfer or exchange property, as the case may be, without having to request tenders or arrange for a public auction, where the board of education proposes:

- (a) to sell or transfer property to, or to exchange property with, the council of a municipality for the purposes of facilitating community planning; or
- (b) to sell or transfer property to, or to exchange property with, another board of education or the conseil scolaire, an Indian band, a registered independent school, the Crown in right of Saskatchewan or the Crown in right of Canada if the property is to be used by the other board of education or the conseil scolaire, the Indian band, the registered independent school, the Crown in right of Saskatchewan or the Crown in right of Canada for the purposes of a school, an educational purpose or another public purpose.

(4.2) The conseil scolaire may enter into an agreement with a board of education, the council of a municipality, an Indian band, a registered independent school, the Crown in right of Saskatchewan or the Crown in right of Canada to sell, transfer or exchange property, as the case may be, without having to request tenders or arrange for a public auction, where the conseil scolaire proposes:

(a) to sell or transfer property to, or to exchange property with, the council of a municipality for the purposes of facilitating community planning; or

(b) to sell or transfer property to, or to exchange property with, a board of education, an Indian band, a registered independent school, the Crown in right of Saskatchewan or the Crown in right of Canada if the property is to be used by a board of education, the Indian band, the registered independent school, the Crown in right of Saskatchewan or the Crown in right of Canada for the purposes of a school, an educational purpose or another public purpose.

(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.

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.

Tenders with respect to acquisition of vehicles and equipment, etc.

349 Subject to the regulations, a board of education or the conseil scolaire shall call for tenders before making capital expenditures in excess of \$20,000 for motor vehicles, furniture and furnishings, equipment and educational materials and supplies.

1995, c.E-0.2, s.349; 1998, c.21, s.127; 2000,
c.10, s.15.

SCHOOL BUILDINGS

Location of schools and teacher residences

350(1) Subject to the regulations, where it is determined by a resolution of the board of education or the conseil scolaire that a new school building is required for the purposes of the school division or the conseil scolaire, the board of education or the conseil scolaire shall:

- (a) decide where the building is to be situated; and
- (b) acquire the land necessary to be used as a site for that building.

(2) Subject to the regulations, where it is determined by a resolution of the board of education or the conseil scolaire that a new teacher's residence is required in a school division or a francophone education area that is located in the Northern Saskatchewan Administration District for the purposes of the school division or the conseil scolaire, the board of education or the conseil scolaire shall:

- (a) decide where the building is to be situated; and
- (b) acquire the land necessary to be used as a site for that building.

1995, c.E-0.2, s.350.

Consultation with department and approval of building plans

351(1) Where a board of education or the conseil scolaire passes a resolution pursuant to section 350, or where a board of education or the conseil scolaire passes a resolution to undertake an addition to or major renovation of a school, the board or the conseil scolaire shall submit to the department, in the prescribed form, a description of the school construction referred to in that resolution with respect to:

- (a) the location of the new construction and service area of the school;
- (b) enrolment projections and classes to be enrolled;
- (c) general specifications and space requirements of the buildings;
- (d) estimated project cost;
- (e) financing of construction; and
- (f) a tentative schedule of construction.

(2) On receipt of the information mentioned in subsection (1), the department shall review the proposal in consultation with the board of education or the conseil scolaire and may, subject to the regulations, 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 school site; and
- (c) the financial arrangements pertaining to it.

1995, c.E-0.2, s.351; 1998, c.21, s.120.

Tenders

352 A board of education or a conseil scolaire shall call for tenders before making a capital expenditure in excess of \$40,000 for building materials or before entering into a contract for:

- (a) the construction of a new school building;
- (b) the extension of an existing school building;
- (c) where a school division or a francophone education area is located in the Northern Saskatchewan Administration District, the construction of a new teacher's residence or the extension of an existing teacher's residence; or
- (d) other capital works authorized pursuant to this Act for an amount in excess of \$100,000.

1995, c.E-0.2, s.352; 2000, c.10, s.16.

Specifications of buildings

353 Plans and specifications of buildings to be used for instructional purposes must conform to all laws and any regulations with respect to:

- (a) size, location and condition of school 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 pupils and other users of the building;
- (d) provisions for laboratories, libraries, shops and other ancillary accommodations required for the program plans of the board of education or the conseil scolaire for the school; and
- (e) any other requirements that may be necessary to comply with the legislation and regulations of any department or agency of the Government of Saskatchewan to the extent that any legislation is applicable to schools.

1995, c.E-0.2, s.353.

SCHOOL VEHICLES**Acquisition of vehicles or transportation services**

354(1) For the purposes mentioned in clause 85(1)(k), a board of education may, subject to section 355:

- (a) acquire, by purchase or lease out of the funds of the school division, any vehicles that it considers necessary and expedient to provide transportation services for pupils; or
- (b) enter into a contract for the provision of transportation services to some or all of the pupils in the school division.

(2) For the purposes mentioned in clause 86(1)(k), a conseil scolaire may, subject to section 355:

- (a) acquire, by purchase or lease out of the funds of the conseil scolaire, any vehicles that it considers necessary and expedient to provide transportation services for pupils; or
- (b) enter into a contract for the provision of transportation services to some or all of the pupils in the francophone education area.

1995, c.E-0.2, s.354.

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 in excess of \$50,000.

(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.

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 Vehicle Administration 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 Vehicle Administration Act*, where applicable.

1995, c.E-0.2, s.356.

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 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.

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 department 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.

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.

Non-compliance with Act

362 A person required by this Act or by the regulations to furnish information or to make a return or statement in writing to the department or to perform any act or duty who refuses or neglects to furnish the information, make the return or statement or perform the act or duty is guilty of an offence and liable on summary conviction to a fine of not more than \$50.

1995, c.E-0.2, s.362.

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:

- (a) in the case of a first offence, of not more than \$500; and
- (b) in any other case, of not more than \$1,000.

1995, c.E-0.2, s.363.

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 to a fine of not more than \$100.

(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.

Improper retention of school property

365(1) Any trustee, officer or employee of a school division or school district who, after ceasing to hold office, retains any moneys, book, paper or thing belonging to the school division or school district is guilty of an offence and liable on summary conviction to a fine of not more than \$20 for each day during which he or she wrongfully retains possession of the moneys, book, paper or thing after having received notice in writing from the chairperson of the board of education or from the minister requiring him or her to deposit it in the hands of a person mentioned in the notice.

(2) Any trustee, officer or employee of the conseil scolaire who, after ceasing to hold office, retains any moneys, book, paper or thing belonging to the conseil scolaire is guilty of an offence and liable on summary conviction to a fine of not more than \$20 for each day during which he or she wrongfully retains possession of the moneys, book, paper or thing after having received notice in writing from the président of the conseil scolaire or from the minister requiring him or her to deposit it in the hands of a person mentioned in the notice.

(3) Any trustee, officer or employee of a conseil d'école who, after ceasing to hold office, retains any moneys, book, paper or thing belonging to the conseil d'école that pertains to the conseil scolaire is guilty of an offence and liable on summary conviction to a fine of not more than \$20 for each day during which he or she wrongfully retains possession of the moneys, book, paper or thing after having received notice in writing from the président of the conseil scolaire or from the minister requiring him or her to deposit it in the hands of a person mentioned in the notice.

1995, c.E-0.2, s.365; 1998, c.21, s.122.

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 \$50.

1995, c.E-0.2, s.366.

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 \$50:

- (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 fransaskois 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.

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) Every person who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine of not more than \$50.

1995, c.E-0.2, s.368; 1998, c.21, s.124.

Preservation of documents

369(1) A board of education shall preserve all public documents of a school division or school district 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 Saskatchewan Archives Board, a board of education or a conseil scolaire may deposit any of its non-current or other documents with The Saskatchewan Archives Board for preservation in the archives.

1995, c.E-0.2, s.369; 1998, c.21, s.125.

Regulations

370(1) The Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) excluding any program that is offered either in Saskatchewan or outside of Saskatchewan from the definition of French immersion program;
- (c) prescribing and requiring the use of forms for the purposes of this Act or the regulations;
- (c.01) for the purposes of the Prince of Wales Scholarship Fund established pursuant to section 4.1:
 - (i) respecting the payment of scholarships from the fund, including the number of scholarships that the minister may make from the fund each year and the amount of the scholarships;
 - (ii) respecting the administrative expenses that may be deducted from the fund;
- (c.1) prescribing any electronic means that may be used for holding meetings pursuant to section 80.1 and the procedures to be followed;
- (c.2) respecting election procedures and terms for conseils d'écoles;
- (d) prescribing any matter required or authorized by this Act to be prescribed by regulation;
- (d.1) respecting the holding of votes for the purposes of subsection 40(3.1);
- (e) respecting the classification, organization, administration and supervision of all schools pursuant to this Act;

- (f) respecting the registration of independent schools, including prescribing the criteria to be met by independent schools to entitle them to be registered as registered independent schools;
- (g) classifying registered independent schools;
- (h) governing the administration and operation of registered independent schools or any class or classes of them, including requiring registered independent schools or any class or classes of them to submit reports respecting the operation of the schools to the minister and prescribing the times within which the reports shall be submitted and the manner of their submission;
- (i) providing for the suspension or deregistration of registered independent schools or any class or classes of them, including prescribing the grounds for which a registered independent school or any class or classes of them may be suspended or deregistered, and prescribing the procedure for:
 - (i) suspending or deregistering registered independent schools or any class or classes of them; or
 - (ii) reinstating the registration of independent schools, the registrations of which have been suspended or deregistered pursuant to subclause (i);
- (j) respecting the registration, suspension or deregistration of home-based education programs;
- (k) providing for and governing the monitoring of registered home-based education programs;
- (l) providing for and governing the maintenance, and the provision to the department and others, of records, reports and information relating to registered home-based education programs;
- (m) respecting the duties and powers of boards of education and the conseil scolaire with respect to the registration, administration and monitoring of home-based education programs;
- (n) governing the operation of registered home-based education programs;
- (o) respecting the classification of pupils and educational programs pertaining to the programs of studies from kindergarten to Grade 12;
- (p) respecting achievement standards and procedures for evaluation of learning and progress of pupils;
- (p.1) respecting the requirements that boards of education and the conseil scolaire must adopt with respect to reviews pursuant to section 186.1;
- (q) respecting professional development programs for teachers that are conducted under the auspices of the department or in co-operation with organizations of teachers or organizations of boards of education or the conseil scolaire;

- (r) respecting the purpose of carrying out the provisions of this Act with respect to bargaining collectively;
- (s) respecting the purpose of carrying out the provisions of this Act with respect to the payment of grants;
- (t) respecting the acquisition, location, specifications, financing, furnishing and maintenance of school buildings and other building facilities ancillary to the educational affairs of the school division or the conseil scolaire;
- (u) respecting the transportation of pupils to and from school and for maintenance of accurate records of the number of pupils served, the distance travelled, the cost of transportation services and any other related information required by the minister;
- (v) prescribing the terms and conditions under which textbooks and other learning resource materials are furnished without cost to pupils;
- (w) governing the appointment, qualifications and general duties of directors and of other persons employed by boards of education or the conseil scolaire as superintendents, assistant superintendents, consultants, or supervisors in services related to education, health, welfare and school attendance;
- (x) prescribing the qualifications of persons employed as teacher aides and the conditions of employment and general duties of those persons;
- (y) respecting the payment of fees by a board of education, the conseil scolaire, a parent or a guardian with respect to the attendance of a pupil at a school;
- (z) respecting the use of languages other than English as languages of instruction;
- (aa) respecting the remuneration of persons and reimbursement of expenses 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; or
 - (iii) to act on special committees or on boards of reference or boards of review established by the minister;
- (bb) respecting the developing and equipping of and standards governing school libraries and learning resource centres;
- (cc) governing the procedure to be followed with respect to any proceeding or thing authorized by this Act in any case where the provisions of this Act are, in the opinion of the minister, insufficient or inapplicable;
- (dd) governing the recovery of costs by a board of education pursuant to section 171 or by the conseil scolaire pursuant to section 172;

- (ee) respecting and providing for the collection of fees for attendance in experimental and special schools, departmental examinations, teachers' certificates, correspondence school courses, certificates of standing and other certificates that may be issued by the department;
 - (ff) providing for the establishment and administration, under the control of the department, of:
 - (i) correspondence schools; or
 - (ii) schools for severely disabled pupils;
 - (gg) prescribing limitations or requirements with respect to the contents of statements of the public accounts prepared pursuant to section 283;
 - (gg.1) prescribing the tax rates to be applied to agricultural lands;
 - (hh) respecting any matter mentioned in subsections 295(2) and (4);
 - (ii) respecting the election of members of the conseil scolaire;
 - (jj) **Repealed.** 1998, c.21, s.126.
 - (kk) prescribing any terms and conditions:
 - (i) under which the minister may guarantee a loan pursuant to section 322; or
 - (ii) of a guarantee provided by the minister pursuant to section 322;
 - (ll) respecting the manner in which a vote on a bylaw mentioned in subsection 330(2) is to be conducted;
 - (mm) respecting any matter pertaining to the governance of francophone schools, including the activities of the conseil scolaire or the conseils d'écoles;
 - (nn) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purpose and intent of this Act;
 - (oo) prescribing or governing any other matter or thing required or authorized by this act to be prescribed or governed in the regulations.
- (2) A regulation made pursuant to clause (1)(s) 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.
- (3) A regulation made pursuant to clause (1)(gg.1) may be made retroactive to January 1, 1997.

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.

PART IX
Repeal

371 Dispensed. This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

**Editorial Appendix
(Amendments)**

The following table contains amendments to be proclaimed and/or effective at a future date, as follows: (Please refer to the Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

Amending Year	Chapter	Section	Effective
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