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

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

**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.

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(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 board of education or the conseil scolaire at the first meeting of the board of education or the conseil scolaire.

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

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

(b) retain the declaration and certificate on file.

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

## 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.

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- (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 by giving members:

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

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

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

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

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

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**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.



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**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 conseil scolaire or board of education shall record and maintain a detailed written record of the proceedings.

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

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

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

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**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 board of education or joint board an itemized account listing the services performed and the distance travelled.

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

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

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**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, to any directive of the minister and to the duties of the conseil scolaire with respect to the division scolaire francophone and any fransaskois school in a francophone education area, a board of education shall:

- (a) administer and manage the educational affairs of the school division in accordance with the intent of this Act and the regulations;

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- (b) exercise general supervision and control over the schools in the school division and make any bylaws with respect to school management that may be considered necessary for effective and efficient operation of the schools;
- (c) subject to the other provisions of this Act, approve administrative procedures pertaining to the internal organization, management and supervision of the schools, but educational supervision authorized by the board of education is to be subject to the approval of the department;
- (d) provide and maintain school accommodation, equipment and facilities considered necessary and adequate for the educational programs and instructional services approved by the board of education for each of its schools;
- (e) appoint and employ under written contract qualified teachers for the schools of the school division, and any principals and other assistants as the board of education considers necessary;
- (f) prescribe, subject to sections 156 to 162, the age and time at which pupils may be admitted to kindergarten and grade 1 in any school in the school division;
- (g) determine what school any of the children of the school division shall attend;
- (h) determine what classrooms and schools are to be maintained in operation in the school division;
- (i) subject to section 120, determine and define the boundaries of school districts in the school division and make any changes to the boundaries that may be considered necessary;
- (j) subject to the regulations, authorize and approve the courses of study that constitute the instructional program of each school in the school division;
- (k) subject to the regulations, furnish transportation services to pupils 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;

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- (q) employ any staff considered necessary for the efficient management and execution of the policies, programs and business of the board of education;
- (r) keep a full and accurate record of the proceedings, transactions and financial affairs of the board of education;
- (s) appoint an auditor for the board of education who is a member in good standing of an accounting profession recognized pursuant to *The Management Accountants Act*, *The Certified General Accountants Act, 1994* or *The Chartered Accountants Act, 1986* to audit the books and accounts of the board of education at least once in each fiscal year, but no person shall be appointed:
  - (i) who is then, or was during the preceding year, a member of the board of education;
  - (ii) who is then, or was during the preceding year, chief financial officer of the school division;
  - (iii) who has then, or had during the preceding year, an interest in a contract made by the board of education other than in a contract appointing that person as auditor; or
  - (iv) who is then, or was during the preceding year, employed by the board of education in any capacity except that of auditor;
- (t) procure a corporate seal for the board of education;
- (u) require that all funds in the control of the board are kept in a chartered bank or credit union, to be paid out in any manner that the board may determine;
- (v) prepare or cause to be prepared any reports and returns concerning statistical data, budgetary information and reports respecting the operation of schools that may be required from time to time by the minister;
- (w) prescribe procedures with respect to the design, maintenance and supervision of school accommodation for the purposes of maintaining satisfactory standards of comfort, safety and sanitation for the pupils and other users of the accommodation;
- (x) define, regulate and control the uses, in addition to the regular school program, to which school buildings and other facilities of the school division may be put during both school and out-of-school hours;
- (y) contract, in writing, with teachers and other personnel required for the administration of the services of the board, and terminate those contracts for cause in accordance with the provisions of this Act;
- (z) participate in programs approved by the minister for the education and training of teachers;
- (aa) subject to the regulations, furnish pupils with textbook, library book, reference book or other learning resource services at the cost of the school division;

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

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

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

**Duties of conseil scolaire**

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

- (a) administer and manage education matters in the division scolaire francophone in accordance with the intent of this Act and the regulations;
- (b) exercise general supervision and control over minority language instruction programs and fransaskois schools and make any bylaws that may be considered necessary for effective and efficient operation of fransaskois schools and the delivery of minority language instruction programs;
- (c) subject to the other provisions of this Act, approve administrative procedures pertaining to the internal organization, management and supervision of the conseil scolaire and fransaskois schools, but any educational supervision authorized by the conseil scolaire is subject to the approval of the department;
- (d) provide and maintain fransaskois school accommodation, equipment and facilities considered necessary and adequate for the educational programs and instructional services approved by the conseil scolaire for each fransaskois school;

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- (e) appoint and employ under written contract qualified teachers for fransaskois schools, and any principals and other assistants as the conseil scolaire considers necessary;
- (f) prescribe, subject to sections 156 to 162, the age and time at which pupils may be admitted to kindergarten and grade 1 in any fransaskois school in a francophone education area;
- (g) determine which fransaskois school is to be attended by any child of a minority language adult who lives in the francophone education area and who chooses to have that child attend a fransaskois school in the francophone education area;
- (h) determine which classrooms and fransaskois schools are to be maintained in operation in a francophone education area;
- (i) subject to section 122.1, determine and define the boundaries of attendance areas in a francophone education area and make any changes to the boundaries that may be considered necessary;
- (j) subject to the regulations, authorize and approve the courses of study that constitute the instructional program in each fransaskois school;
- (k) subject to the regulations, furnish transportation services to pupils 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;

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- (r) keep a full and accurate record of the proceedings, transactions and financial affairs of the conseil scolaire;
- (s) appoint an auditor for the conseil scolaire who is a member in good standing of an accounting profession recognized pursuant to *The Management Accountants Act*, *The Certified General Accountants Act, 1994* or *The Chartered Accountants Act, 1986* to audit the books and accounts of the conseil scolaire at least once in each fiscal year, but no person shall be appointed:
  - (i) who is then, or was during the preceding year, a member of the conseil scolaire;
  - (ii) who is then, or was during the preceding year, chief financial officer of the conseil scolaire;
  - (iii) who has then, or had during the preceding year, an interest in a contract made by the conseil scolaire other than in a contract appointing that person as auditor; or
  - (iv) who is then, or was during the preceding year, employed by the conseil scolaire in any capacity except that of auditor;
- (t) procure a corporate seal for the board of education;
- (u) require that all funds in the control of the conseil scolaire are kept in a chartered bank or credit union, to be paid out in any manner that the conseil scolaire may determine;
- (v) prepare or cause to be prepared those reports and returns concerning statistical data, budgetary information and reports respecting the operation of the conseil scolaire 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;



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- (bb) subject to the regulations, furnish pupils with textbook, library book, reference book or other learning resource services at the cost of the conseil scolaire;
- (cc) insure and keep insured the conseil scolaire buildings and the equipment, furnishings and property of the conseil scolaire;
- (dd) keep in force a policy of insurance for the purpose of indemnifying:
- (i) the conseil scolaire and its employees with respect to any claim for damages to property or for personal injury or death arising from any program, activity or service authorized or provided by the conseil scolaire, or from any approved activity mentioned in section 232;
  - (ii) the conseil scolaire and teachers employed by the conseil scolaire with respect to any claim for damages arising from the performance of duties and functions of teachers pursuant to this Act that are required or approved by the conseil scolaire;
  - (iii) the conseil scolaire with respect to any claim for damages arising out of arrangements of the conseil scolaire for the transportation of 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.

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**Powers of board**

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

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

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- (h) authorize expenditures with respect to functions and activities that have been approved by the board of education with respect to a school community council;
- (i) acquire by gift, devise or bequest real or personal property of any kind on behalf of the school division, for the purposes of the school division, subject to the terms, if any, of the gift, devise or bequest and, notwithstanding any other provision of this Act, shall dispose of any real or personal property acquired in accordance with those terms;
- (j) invest any moneys of the board of education in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*;
- (k) dispose of any investment made pursuant to clause (j) in any manner, on any terms, and in any amount that the board of education considers expedient;
- (l) subject to section 347 and to the regulations, dispose of or lease property of the school division and grant easement over any of the real property of the school division;
- (m) become a member of a co-operative association or a credit union or hold additional shares of which the board of education becomes the owner by application of the dividends;
- (n) provide for any meetings, seminars, workshops and conventions of members of the board of education, members of school community councils, electors and teachers that may be considered advisable for the purposes of educational planning and development in the school division;
- (o) **Repealed.** 2006, c.18, s.12.
- (p) grant leave of absence to teachers and other employees of the board of education;
- (q) provide scholarships, bursaries or similar awards for the purposes of the attendance of teachers and pupils at post-secondary institutions;
- (r) provide for the payment of a gratuity or an annual allowance to any employee of the board of education on retirement on account of age and may, in its discretion, adjust or revise the annual allowance of that employee in subsequent years;
- (s) pay from funds of the school division the employer's contribution to an approved pension plan to which the board of education and its employees, other than teachers, are parties under a contract for that purpose;
- (t) in the case of a separate school division, prescribe the qualifications of teachers who are to provide religious instruction;

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- (u) pay, for membership in an association of trustees organized in the province, the appropriate sum set out in a schedule of fees adopted by the association at an annual convention or by the executive committee of the association pursuant to a direction of the association at an annual convention, and submitted to the minister and approved by the minister, but, where the minister does not approve a schedule of fees submitted to him or her, the last schedule of fees approved by the minister continues to apply;
  - (v) provide for the collection of a reasonable sum from pupils for:
    - (i) the purposes of recovery of inadvertent or accidental damage or loss of school property resulting from acts of the pupils that are not necessarily attributable to wilful neglect or disregard for school property;
    - (ii) the purposes of fees or dues with respect to student organizations and related activities approved by the school;
  - (w) with respect to any school that is not situated in a school district, close the school or discontinue one or more grades or years taught in the school;
  - (x) with respect to any school situated in a school district, in accordance with sections 87.1 to 87.7 but subject to section 87.8, close the school or discontinue one or more grades or years taught in the school;
  - (y) where it is considered advisable and expedient by the board of education to provide certain instructional services at schools or institutions outside the school division, enter into agreements with boards of education of other school divisions, conseils scolaires or the governing bodies of any agencies or institutions approved by the department to furnish the desired services;
  - (z) where provision is made by the board of education for the attendance of a pupil at a school outside the school division, provide for payment to the parent or guardian of that pupil any sum that the board of education may determine on account of, or in lieu of, the cost of transportation;
  - (aa) offer courses during a summer vacation and charge a fee to individuals who enrol in the courses;
  - (aa.1) co-operate in, participate in or facilitate the co-ordination, administration or provision of educational programs for children who are not yet eligible to be enrolled in kindergarten in a school in the school division pursuant to clause 85(1)(f);
  - (bb) by resolution, provide for or authorize any actions, procedures or policies that are ancillary to or necessary for the carrying out of any duties or the exercise of any powers imposed or conferred on it by this Act.
- (2) **Repealed.** 2008, c.11, s.5.
- (3) **Repealed.** 2008, c.11, s.5.

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

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

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

2008, c.11, s.6.

**School review**

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

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

(i) passes a motion to review the school;

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

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

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

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

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

2008, c.11, s.6.

**Notice re school review**

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

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

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- (b) post the notice:
  - (i) in at least five widely-separated, conspicuous locations in the school district or attendance area in which the school that is the subject of the review is situated;
  - (ii) in the building in which the headquarters of the school division are located; and
  - (iii) on the website of the board of education.

2008, c.11, s.6.

**School review committee**

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

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

- (a) four members of the school community council representing the school under review, appointed by the school community council, but not including any member appointed to the school community council pursuant to subclause 3.4(3)(a)(ii) or (iii) or 3.4(3)(b)(ii) or (iii) of *The Education Regulations, 1986*;
- (b) two individuals appointed by the council of the town or village, or by the hamlet board of the hamlet, in which the school under review is situated:
  - (i) one of whom is an elected member of the council of the town or village, or of the hamlet board of the hamlet, in which the school under review is situated; and
  - (ii) one of whom is not an elected member of the council or hamlet board mentioned in subclause (i) but is a resident of the town, village or hamlet in which the school under review is situated;
- (c) excluding the municipalities mentioned in clause (b), two individuals appointed jointly by the councils of the municipalities located within the electoral area of the school community council of the school under review:
  - (i) one of whom is an elected member of the council of one of those municipalities; and
  - (ii) one of whom is a resident of one of those municipalities but not an elected member of the council of any municipality; and
- (d) if a pupil at the school resides on an Indian reserve, one individual appointed by the Indian band for whose use and benefit the Indian reserve where the pupil resides has been set aside, if the Indian band elects to be represented on the school review committee.

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

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

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

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

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

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

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

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

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

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

(a) pass a motion:

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

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

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

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

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

2008, c.11, s.6.

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

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

- (a) by not later than April 30 of the year in which the closure of the school or discontinuance of grades or years taught in the school is to come into effect; and
  - (b) stating the effective date of the closure or discontinuance, determined in accordance with section 87.7.
- (2) In accordance with section 87.3, the board of education shall notify the public of the motion passed pursuant to subsection (1).
- (3) After passing a motion pursuant to subsection (1), the board of education, in consultation with the school community councils of the affected schools, must develop and adopt an implementation plan respecting the closure of the school or discontinuance of one or more grades or years taught in the school, by not later than June 15 of the year in which these changes are to come into effect.
- (4) By not later than June 30 of the year in which the closure of the school or discontinuance of one or more grades or years taught in the school is to come into effect, the board of education, in accordance with section 87.3, shall notify the public of where to view the implementation plan adopted pursuant to subsection (3).

2008, c.11, s.6.

**Effective date of school closure or discontinuance of grades or years**

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

- (a) not earlier than the end of the last school day of the school year; and
  - (b) not later than the day before the first school day of the following school year.
- (2) For the purpose of subsection (1), the school year is as determined in accordance with section 163 and the regulations.

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

**School of opportunity**

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

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



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

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

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

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

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

- (a) conduct a review of the school pursuant to sections 87.2 to 87.5; nor
- (b) close the school.

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

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

- (a) review the designation of a school of opportunity before the expiry date of the designation; and
- (b) based on a review carried out pursuant to clause (a):
  - (i) continue the designation of the school as a school of opportunity until the original expiry date of the designation or until any new date set by the minister that is earlier than the original expiry date of the designation; or
  - (ii) remove the designation of the school as a school of opportunity.

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

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

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

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

**Powers of conseil scolaire**

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

- (a) employ, or retain the services of, any ancillary personnel that may be considered necessary to administer the policies and programs of the conseil scolaire;
- (b) enter into agreements for any purpose considered necessary and advantageous to the quality and efficiency of educational and related services to the pupils of the division scolaire francophone with:
  - (i) boards of education;
  - (ii) municipalities;
  - (iii) specialized institutions;
  - (iv) universities;
  - (v) departments of the Government of Saskatchewan;
  - (vi) governments of other provinces of Canada or an agency of any of those governments;
  - (vii) the Government of Canada or an agency of that Government;
  - (viii) any Indian Band;
- (c) enter into agreements with boards of education or Indian Bands for the purpose of providing, procuring or administering jointly any service of mutual benefit and convenience;
- (d) furnish educational supplies and food services at a nominal cost to pupils or, where it is considered advisable by the conseil scolaire, at the cost of the conseil scolaire;
- (e) subject to the regulations, approve textbooks, library books, reference books and other learning resources for use in francaskois schools;
- (f) approve of and provide for membership in provincial and national educational associations by the conseil scolaire or conseils d'écoles, and officers of the conseil scolaire, and provide for attendance at meetings of those associations;

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- (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;

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- (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

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- (D) following the notification mentioned in paragraph (C) and prior to the effective date of the closure of the school or discontinuance of one or more grades or years taught in the school, as the case may be, consulted with the conseil d'école of the school with respect to educational services for pupils who will be affected by the closure or discontinuance of one or more grades or years, as the case may be;
- (x) where it is considered advisable and expedient by the conseil scolaire to provide certain instructional services at schools or institutions outside the division scolaire francophone, enter into agreements with a board of education or the governing body of any agencies or institutions approved by the department to furnish the desired services;
- (y) where provision is made by the conseil scolaire for the attendance of a pupil at a school outside the francophone education area, provide for payment to the parent or guardian of that pupil any sum that the conseil scolaire may determine on account of, or in lieu of, the cost of transportation;
- (z) offer courses during a summer vacation and charge a fee to individuals who enrol in the courses;
- (aa) co-operate in, participate in or facilitate the co-ordination, administration or provision of educational programs for children who are not yet eligible to be enrolled in kindergarten in a fransaskois school in the francophone education area pursuant to clause 86(f);
- (bb) by resolution, provide for or authorize any actions, procedures or policies that are ancillary to or necessary for the carrying out of any duties or the exercise of any powers imposed or conferred on it by this Act.
- (2) The conseil scolaire may close a fransaskois school or discontinue one or more grades or years taught in a fransaskois school, pursuant to subclause (1)(w)(ii), only where the effective date of the closure or discontinuance occurs during the period:
- (a) commencing at the end of the day determined by the conseil scolaire, pursuant to section 163 and the regulations, as the last school day in one school year; and
- (b) ending on the day prior to the day determined by the conseil scolaire, pursuant to section 163 and the regulations, as the first school day in the school year following the school year mentioned in clause (a).
- (3) The conseil scolaire, with respect to a notice mentioned in paragraph (1)(w)(ii)(A), shall:
- (a) publish the notice:
- (i) in at least one issue of a newspaper published and circulating in the francophone education area or in any town or village adjacent to the francophone education area in which the fransaskois school that is to be the subject of the meeting is situated; or

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

(b) post the notice:

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

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

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

**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.

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## 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.

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

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

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

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

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

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

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

(7) The chairperson shall:

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

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

(8) The secretary of the annual meeting shall:

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

(b) forward a copy of that statement to:

(i) the board of education; and

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

## c. E-0.2

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**Special meetings of electors**

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

(2) The board of education:

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

(b) shall call a special meeting:

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

(ii) on receipt of a written request signed by no fewer than 25 electors of the school division.

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

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

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

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

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

**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.

## EDUCATION, 1995

## c. E-0.2

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

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

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

(6) The président shall:

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

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

(7) The secretary of the meeting shall:

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

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

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

**Special meetings of voters**

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

(2) The conseil scolaire:

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

(b) shall call a special meeting:

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

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

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

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

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

**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

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- (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 on behalf of the board of education, other than cheques on which signatures are imprinted;

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

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- (b) any of the duties and powers conferred or imposed by this Act on the board of education, other than the power to:
  - (i) borrow money; or
  - (ii) pass a bylaw.
- (3) The conseil scolaire may delegate to any committee appointed by it pursuant to subsection (1):
  - (a) the inquiry into or consideration, management or regulation of any administrative matters that the conseil scolaire considers appropriate, including:
    - (i) certifying all accounts against the conseil scolaire passed by the conseil scolaire for payment;
    - (ii) countersigning all cheques issued on behalf of the conseil scolaire, other than cheques on which signatures are imprinted;
    - (iii) executing agreements authorized by and on behalf of the conseil scolaire; and
  - (b) any of the duties and powers conferred or imposed by this Act on the conseil scolaire, other than the power to:
    - (i) borrow money; or
    - (ii) pass a bylaw.
- (4) Subject to subsection (6), where a board of education or the conseil scolaire has delegated any matter to a committee appointed pursuant to subsection (1), the committee, in the same manner and to the same extent as the board of education or the conseil scolaire:
  - (a) may exercise the powers that are conferred by this Act on the board of education or the conseil scolaire that delegated the matter; and
  - (b) shall perform the duties that are imposed by this Act on the board of education or the conseil scolaire that delegated the matter.
- (5) The exercise of powers and the performance of duties by the committee pursuant to subsection (4) is deemed to be the exercise of powers and the performance of duties by the board of education or the conseil scolaire.
- (6) Every committee appointed pursuant to subsection (1) shall give a report respecting its proceedings and decisions to the board of education or the conseil scolaire that appointed the committee in the time, in the manner and containing the information required by the board or the conseil scolaire.

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

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

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

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

**Staff of school division and conseil scolaire**

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

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

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

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

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

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

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

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

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**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 re production of documents**

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

- (a) make available for inspection by any person, during regular office hours of the board of education or conseil scolaire, the minutes of the board of education or conseil scolaire after the minutes have been adopted by the board of education or conseil scolaire;
  - (b) subject to subsection (3) and within a reasonable period after a request by any person, furnish to that person copies of the whole or any part of any minutes made available pursuant to clause (a) at any rate that the board of education or conseil scolaire may fix;
  - (c) prepare and transmit to the minister, at the times and in the form that the minister may require, a statement approved by the board of education or conseil scolaire of the estimated revenues and expenditures of the board of education or conseil scolaire for the year; and
  - (d) make any other reports and statements required to be made by the board of education or conseil scolaire pursuant to this Act.
- (2) The conseil scolaire shall deliver or transmit by mail to each conseil d'école a copy of the minutes of any meeting of the conseil scolaire not later than 10 days after the day on which those minutes were approved by the conseil scolaire.



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

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

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

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

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

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

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

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

**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.

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## 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.

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**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.

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

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

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

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

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

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## CONSEILS D'ÉCOLES

**Conseil d'école for each francsaskois school**

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

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

1998, c.21, s.57.

**Composition, duties and powers of conseil d'école**

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

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

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

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

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

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

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

(5) A conseil d'école shall:

- (a) inform the voters of the francsaskois school attendance area with respect to:
  - (i) the schedule of its meetings;
  - (ii) the procedures for making submissions and representations to the conseil d'école;
  - (iii) the channels of communication; and
  - (iv) any other matters considered by the conseil d'école to be in the interests of education in the attendance area;

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- (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.

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(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 francsaskois 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 francsaskois 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.

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

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## SCHOOL COMMUNITY COUNCILS

**Establishment of school community councils**

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

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

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

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

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

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

**Membership of school community council**

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

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

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

**Terms of office**

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

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

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

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

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



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**Disqualification of members**

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

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

2006, c.18, s.18.

**Duties and powers**

**140.5** Every school community council shall:

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

2006, c.18, s.18.

PART IV  
**Pupils, Programs and Services**  
 PUPILS

**Right to education**

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

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

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

**Right to attend school at cost of school division**

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

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

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(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 francsaskois 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 francsaskois 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 francsaskois 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.

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**Attendance of others at francsaskois school**

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

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

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

**Access to high schools**

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

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

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

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

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

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

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

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

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**Right to special services without charge or fee**

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

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

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

**Mediation of conflict involving pupil**

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

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

**Employment of certain pupils prohibited**

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

(2) 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;

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

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

**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.

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## 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.

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**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.

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- (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;



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- (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).

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(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;

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- (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.

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

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- (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.

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- (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

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- (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)** In this section, “**instructional day**” means a day within a school year on which instruction is given to pupils or on which examinations or other educational activities involving pupils are conducted.
- (2) A school year consists of 200 school days, but for any school year the minister may, by order, determine any lesser number of school days that the minister considers advisable.
- (3) Unless the order specifies otherwise, an order made pursuant to subsection (2) remains in effect for subsequent school years until it is repealed.
- (4) Subject to the regulations and to subsections (5) and (6), every board of education and the conseil scolaire shall determine:
- (a) the opening date and closing date of its schools;
  - (b) school hours of operation; and
  - (c) the schedule of operation for a school year and for any term, semester or other period of a school year, as the case may be.
- (5) The earliest day that a board of education or the conseil scolaire may set as the first instructional day in a school year is the first day following Labour Day.
- (6) The latest day that a board of education or the conseil scolaire may set as the last instructional day in a school year is June 30.

2012, c.10, s.14.

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

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

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

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

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## 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.



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(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, educational assistants and support staff that the board or the conseil scolaire may authorize with respect to each school in its jurisdiction.

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

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

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**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;

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

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

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

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

**Approval by board of education**

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

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

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**Pupils with intensive needs**

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

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

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

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

(2) For the purposes of this section and subject to the regulations, the minister may establish a guideline respecting assessments for use by boards of education and the conseil scolaire.

(3) If the minister establishes a guideline pursuant to subsection (2), the minister shall:

- (a) cause the guideline to be made available to the public in any form or manner that the minister considers appropriate; and
- (b) take any steps that the minister considers appropriate to bring the guideline, and the manner and form in which it is available, to the attention of the public.

(4) Subject to subsections (5) to (15), a board of education or the conseil scolaire, as the case may be, shall provide every pupil, within the policies and programs authorized by the board of education or conseil scolaire, with educational services that are consistent with that pupil’s educational needs and abilities.

(5) Subject to subsection (6), if a board of education or the conseil scolaire considers it to be appropriate, the board of education or conseil scolaire may assess whether a pupil registered with it is a pupil with intensive needs.

(6) In conducting an assessment for the purposes of subsection (5), the board of education or conseil scolaire shall:

- (a) comply with any requirements prescribed in the regulations; and
- (b) follow the guideline established by the minister pursuant to subsection (2).

(7) If a pupil has been assessed in accordance with this section as being a pupil with intensive needs, the teacher or principal of the pupil shall confer with the parent or guardian of the pupil with respect to:

- (a) the assessment of the pupil; and
- (b) the educational services that may be required to meet the learning needs of the pupil.

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- (8) A board of education or the conseil scolaire, as the case may be, shall provide educational services to pupils with intensive needs in accordance with this section, the regulations and the policies established by the minister.
- (9) A board of education or the conseil scolaire, as the case may be, shall take steps to reasonably accommodate a pupil with intensive needs in the regular program of instruction.
- (10) If, after taking the factors listed in subsection (11) into consideration, a board of education or the conseil scolaire determines that the learning needs of a pupil with intensive needs cannot be reasonably accommodated in the regular program of instruction, the board of education or conseil scolaire shall ensure the provision of educational services by means of a special program to meet the learning needs of the pupil.
- (11) The following factors are to be considered for the purposes of subsection (10):
- (a) whether or not the pupil is medically fragile;
  - (b) whether or not the pupil poses a risk of harm to himself or herself or to others;
  - (c) the educational needs of all pupils;
  - (d) the cost of providing special educational services to accommodate the pupil in the regular program of instruction.
- (12) If a pupil with intensive needs displays behaviour that poses a risk of harm to others within the school and if that behaviour is not caused by the pupil's intensive needs, the pupil may be suspended or expelled in accordance with section 154 or 155, as the case requires.
- (13) A board of education or the conseil scolaire may discharge its responsibilities pursuant to subsections (8) to (10) by:
- (a) providing educational services within a school or other facility in its control; or
  - (b) entering into agreements with any of the following to provide educational services:
    - (i) another board of education;
    - (ii) in the case of a board of education, the conseil scolaire;
    - (iii) in the case of the conseil scolaire, a board of education;
    - (iv) any person or agency.
- (14) If a board of education or the conseil scolaire enters into an agreement pursuant to clause (13)(b), the board of education or conseil scolaire remains responsible for ensuring that the pupil with intensive needs is provided with educational services while the pupil remains registered with the board of education or conseil scolaire.

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

2008, c.11, s.9.

**Reviews re pupils with intensive needs**

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

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

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

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

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

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

- (a) did not participate in any of the following matters that is the subject of the review:
  - (i) an assessment conducted pursuant to subsection 178(5);
  - (ii) the decision not to conduct an assessment;
  - (iii) the decision respecting the educational services to be provided pursuant to section 178 to a pupil with intensive needs; and
- (b) is or are acceptable to:
  - (i) the board of education or conseil scolaire; and
  - (ii) the parent or guardian of the pupil.

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

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

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

2008, c.11, s.9.

**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 francosaskois 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.

**c. E-0.2****EDUCATION, 1995****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 francophone school or schools in close proximity that could meet the needs of the students;
- (c) whether there is a demand for francophone education in the area where the minority language adult resides;
- (d) whether there is an indicated interest among other minority language adults, who each have one or more children not yet 22 years of age, in the area who would take advantage of the service;
- (e) whether the distances over which the students would be required to be transported are reasonable;
- (f) whether physical facilities may be made available;
- (g) whether the cost of the requested services is reasonable;
- (h) whether there is sufficient demand in the area to justify:
  - (i) the alteration of the attendance area boundaries;
  - (ii) the establishment of a francophone education area; or
  - (iii) the expansion of the division scolaire francophone;
- (i) whether there is any reason, based on any factor or consideration that the conseil scolaire deems appropriate, not to provide the minority language instruction program requested.

1998, c.21, s.76.

**Religious instruction**

**182(1)** Religious instruction, as authorized by the board of education of a school division with respect to any of the schools in its jurisdiction, may be given in that school division for a period not exceeding two and one-half hours per week.

(2) Where the board of education passes a resolution pursuant to subsection 180(2), the religious instruction mentioned in subsection (1) may be given in a language other than English.



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- (3) Subject to subsection (4), the board of education may direct that the exercises preceding the regular daily program of instruction of the school be opened by the reading or reciting, without comment or explanation, of the Lord's Prayer or a passage selected from Bible readings that have been prescribed for the purpose by the minister.
- (4) Where a parent or the guardian of a pupil so requests, the pupil is to be excused from participating in the opening exercises described in subsection (3).
- (5) Where a pupil does not wish to participate in courses of religious instruction authorized pursuant to subsection (1), the pupil:
- (a) with the written consent of the pupil's parent or guardian, is exempt from attendance at those courses of religious instruction;
  - (b) shall be provided with suitable alternative studies appropriate to the instructional program of his or her grade.

1995, c.E-0.2, s.182; 2006, c.18, s.21.

**Religious instruction in francsaskois 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.

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**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.

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

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

**Gifted pupils**

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

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

**Physical education**

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

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

**Driver education**

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

1998, c.21, s.80.

## HEALTH AND WELFARE OF PUPILS

**Health of pupils**

**190(1)** Subject to subsection (3), a board of education or the conseil scolaire, or any combination of two or more of them jointly on any terms that are mutually agreed on, may provide for medical and dental examination and treatment of pupils and of children under the age of seven years in the school division or division scolaire francophone.

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- (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.

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

(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.

EDUCATION, 1995

c. E-0.2

**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.

## c. E-0.2

## EDUCATION, 1995

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.

## EDUCATION, 1995

## c. E-0.2

- (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.

## c. E-0.2

## EDUCATION, 1995

**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.



## EDUCATION, 1995

## c. E-0.2

**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.

**c. E-0.2**

## EDUCATION, 1995

**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.

**EMPLOYER'S DUTY TO REPORT****Duty to report to minister**

**209.1(1)** A board of education, the conseil scolaire, a registered independent school or any other person or entity recognized by the minister that employs or retains a teacher to teach shall immediately provide written notice to the minister regarding the suspension, termination, resignation or retirement from employment of the teacher if the suspension, termination, resignation or retirement, as the case may be, results from conduct that the employer reasonably believes constitutes professional incompetence or professional misconduct that may relate to the suitability of the teacher to hold a teacher's certificate of qualification.

(2) Notice pursuant to subsection (1) must:

- (a) be in the form required by the minister; and
- (b) set out the reasons for the employer's beliefs and the action taken to address the situation, which may include:
  - (i) the employer suspending or terminating the contract of employment with the teacher;
  - (ii) the employer and the teacher agreeing, in writing, to the termination of the teacher's contract of employment; or
  - (iii) the teacher resigning or retiring.

(3) No action or proceeding lies or shall be commenced against any person for anything in good faith done or purported to be done by that person in the carrying out or supposed carrying out of the duty to report imposed on that person pursuant to this section.

2009, c.13, s.23.

**STF members**

**209.2(1)** If a teacher who is the subject of a notice mentioned in section 209.1 is a member of the Saskatchewan Teachers' Federation, or if the minister receives a written complaint from a member of the public respecting a teacher who is a member of the Saskatchewan Teachers' Federation, the minister shall provide a copy of the notice or public complaint, as the case may be, to the federation.

EDUCATION, 1995

c. E-0.2

(2) Subject to subsection (7), on receipt of a notice or public complaint pursuant to subsection (1), the federation shall treat the notice or public complaint as it would any other complaint received by it against a member, including conducting a preliminary investigation into the competence or conduct of the member and, if appropriate, ordering a hearing before one of its committees pursuant to *The Teachers' Federation Act, 2006*.

(3) For the purposes of the federation's proceedings, the complainant under a notice mentioned in section 209.1 is the employer that provided the notice to the minister in accordance with section 209.1.

(4) The federation shall notify the minister, in the form and within the period that the minister may require, of the recommendations or decision of the federation with respect to the teacher who is the subject of the notice or public complaint.

(5) Subject to subsection (4), if the federation finds the teacher who is the subject of the notice or public complaint guilty of professional incompetence or professional misconduct or conduct not becoming to a teacher in accordance with *The Teachers' Federation Act, 2006*, the minister:

(a) may notify all or any of the following of the federation's findings:

(i) the teacher's employer;

(ii) other employers of teachers;

(iii) teacher registration bodies in other jurisdictions; and

(b) shall record the fact in any register of teachers established pursuant to section 209.6.

(6) The minister shall not provide notification pursuant to subclause (5)(a)(ii) or (iii) or make an entry in the register of teachers pursuant to clause (5)(b) until:

(a) any appeal of the federation's decision has been disposed of; or

(b) the time for bringing an appeal of the federation's decision has expired and no appeal has been brought.

(7) Notwithstanding any other provision of this section, the federation shall not begin any investigation with respect to a notice or public complaint received by it pursuant to subsection (1) until:

(a) any appeal of the matter by the teacher to a board of reference mentioned in section 218 has been disposed of; or

(b) the time for the teacher to appeal the matter to a board of reference mentioned in section 218 has expired and no appeal has been brought.

## c. E-0.2

## EDUCATION, 1995

PROFESSIONAL INCOMPETENCE AND  
PROFESSIONAL MISCONDUCT

**Professional incompetence**

**209.3** Professional incompetence is a question of fact, but the display by a teacher of a lack of knowledge, skill or judgment or a disregard for the welfare of a pupil or other member of the public served by the profession of a nature or to an extent that demonstrates that the teacher is unfit to:

- (a) continue in the practice of the profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

2009, c.13, s.23.

**Professional misconduct**

**209.4** Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if it:

- (a) is harmful to the best interests of pupils or other members of the public;
- (b) tends to harm the standing of the profession;
- (c) constitutes a breach of this Act or the regulations; or
- (d) in the case of a teacher employed by a board of education or the conseil scolaire, constitutes a breach of *The Teachers' Federation Act, 2006* or the bylaws made pursuant to that Act.

2009, c.13, s.23.

**Reasons for termination or suspension**

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

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

2009, c.13, s.23.

## EDUCATION, 1995

## c. E-0.2

## REGISTER OF TEACHERS

**Register of teachers**

**209.6** The minister may establish and maintain an electronic register that is accessible to the public respecting the status of each teacher's:

- (a) certificate of qualification; and
- (b) eligibility to teach.

2009, c.13, s.23.

## 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.

**c. E-0.2****EDUCATION, 1995****Termination of contract by teacher**

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

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

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

**Termination by mutual consent**

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

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

(3) The board of education or the conseil scolaire, as the case may be, shall notify the minister in accordance with section 209.1 where:

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

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

**Right of teacher to hearing with board or conseil scolaire**

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

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

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

**214 Repealed.** 2009, c.13, s.25.

**Change in employment status**

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

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

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

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

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

**APPEALS ON TERMINATION OF CONTRACT OR DISCIPLINARY ACTION**

**Appeal on termination by board**

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

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

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

(a) **Repealed.** 2009, c.13, s.26.

(b) who has not been employed as a teacher by the board of education or the conseil scolaire, as the case may be:

(i) for at least two complete academic years;

(ii) for at least four complete and consecutive terms; or

(iii) during a period with respect to which he or she has received the equivalent of two years' salary in accordance with this Act.

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

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

**c. E-0.2**

## EDUCATION, 1995

**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.



## EDUCATION, 1995

## c. E-0.2

(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.

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(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;

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- (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.

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**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.

PROFESSIONAL CONDUCT COMMITTEE

Interpretation of sections 230.2 to 230.93

**230.1** In sections 230.2 to 230.93:

“**court**” means the Court of Queen’s Bench; (« *tribunal* »)

“**employer**” means a registered independent school or any person or entity recognized by the minister, other than a board of education or the conseil scolaire, that employs or retains a teacher to teach; (« *employeur* »)

“**employer notice**” means a notice received by the minister from an employer pursuant to section 209.1; (« *avis d’employeur* »)

“**hearing**” means a hearing conducted by the professional conduct committee; (« *audience* »)

“**professional conduct committee**” means a professional conduct committee established pursuant to section 230.3; (« *comité de déontologie professionnelle* »)

“**public complaint**” means a written complaint that is received by the minister from a member of the public respecting a teacher’s competence or conduct; (« *plainte du public* »)

“**teacher**” means:

- (a) a teacher who is not a member of the Saskatchewan Teachers’ Federation at the time that an employer notice or public complaint is received by the minister; or
- (b) a person who:
  - (i) at the time of the occurrence of the matter under investigation, was a teacher but was not a member of the federation; and
  - (ii) on the date that any proceeding of the professional conduct committee is instituted against that person, was a teacher within the two years before the date the proceeding was instituted but was not a member of the federation. (« *enseignant* »)

2009, c.13, s.27.

Investigation

**230.2(1)** The minister, on receipt of an employer notice or public complaint against a teacher, may:

- (a) investigate the matter by taking any steps that the minister considers necessary, including summoning before the minister the teacher whose competency or conduct is the subject of the investigation or assessing the teacher’s competency or conduct; and
- (b) if the minister considers it appropriate, order a hearing of the matter before the professional conduct committee.

(2) The minister may engage the services of or retain any persons that he or she considers necessary to carry out an investigation pursuant to clause (1)(a).

2009, c.13, s.27.

## c. E-0.2

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**Professional conduct committee**

**230.3(1)** The minister may establish a professional conduct committee.

(2) The professional conduct committee shall consist of those persons appointed by the minister in accordance with the regulations.

(3) Subject to this Act and the regulations, the professional conduct committee may make rules regulating its business and procedure.

(4) The professional conduct committee shall conduct a hearing into any employer notice or public complaint referred to it by the minister to determine whether or not the teacher whose competency or conduct is the subject of the employer notice or public complaint is guilty of professional incompetence or professional misconduct.

(5) The members of the professional conduct committee appointed pursuant to this section are entitled to:

- (a) remuneration for their services at the rates fixed by the minister; and
- (b) reimbursement for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.

2009, c.13, s.27.

**Hearing**

**230.4(1)** The professional conduct committee shall serve notice on the teacher whose competence or conduct is the subject of the hearing at least 14 days before the hearing, setting out the allegations made against the teacher and specifying the date, time and place of the hearing.

(2) The professional conduct committee shall hear the allegations against the teacher and shall determine whether or not the teacher is guilty of professional incompetence or professional misconduct, notwithstanding that the determination of a question of fact may be involved, and the professional conduct committee need not refer any question to the court for adjudication.

(3) The professional conduct committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

(4) The professional conduct committee may employ any legal or other assistance that it considers necessary, and the teacher whose competence or conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.

(5) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the professional conduct committee.

(6) At a hearing, there is to be full right:

- (a) to examine, cross-examine and re-examine all witnesses; and
- (b) to present evidence in defence and reply.

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(7) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to all or any of the following:

- (a) the teacher whose competence or conduct is the subject of the hearing;
- (b) a member of the professional conduct committee.

(8) If a writ issued pursuant to subsection (7) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(9) If the teacher whose competence or conduct is the subject of the hearing fails to attend the hearing, the professional conduct committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in the teacher's absence.

(10) If, during the course of a hearing, the evidence shows that the teacher whose competence or conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the notice mentioned in subsection (1), the professional conduct committee shall notify the teacher of that fact.

(11) If the professional conduct committee proposes to amend, add to or substitute the charge specified in the notice mentioned in subsection (1), the professional conduct committee shall adjourn the hearing for any period that the committee considers sufficient to give the teacher an opportunity to prepare a defence to the amended notice, unless the teacher consents to continue the hearing without an adjournment.

(12) The teacher's employer and any other complainant:

- (a) are to be advised orally or in writing by the professional conduct committee of the date, time and place of the hearing; and
- (b) subject to subsection (14), are entitled to attend the hearing.

(13) Subject to subsection (14), the professional conduct committee shall conduct all hearings in public.

(14) The professional conduct committee may exclude members of the public, including any complainant, from any part of the hearing if the committee is of the opinion that evidence brought in the presence of the persons to be excluded will unduly violate the privacy of a person other than the teacher whose competence or conduct is the subject of the hearing.

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**Temporary suspension**

**230.5(1)** If the professional conduct committee is of the opinion that, on the basis of the allegations or the nature of the case, a teacher's certificate of qualification should be suspended or a teacher should be prohibited from performing certain teacher-related activities pending the outcome of an investigation or hearing, on the recommendation of the professional conduct committee, the minister may make an order:

- (a) suspending the certificate of qualification of the teacher whose competence or conduct is the subject of the investigation or hearing; or
  - (b) temporarily:
    - (i) prohibiting the teacher described in clause (a) from performing any specified teacher-related activities; and
    - (ii) imposing certain terms and conditions or restrictions on the teacher's certificate of qualification.
- (2) Subject to subsection (3), an order made pursuant to subsection (1) shall not extend past the earlier of:
- (a) 90 days after the date of the order; and
  - (b) the date of the order made by the minister pursuant to section 230.7 respecting the teacher.
- (3) If the minister considers it appropriate to do so, the minister may extend an order made pursuant to subsection (1).

2009, c.13, s.27.

**Report of professional conduct committee**

**230.6(1)** On completion of a hearing, the professional conduct committee shall report to the minister its findings together with its recommendations in a written report, signed by the majority of committee members conducting the hearing.

(2) The professional conduct committee shall also provide to the minister minutes of the hearing proceedings, the evidence adduced and any exhibits produced or copies of exhibits.

(3) If the professional conduct committee determines that the competence or conduct of a teacher does not constitute professional incompetence or professional misconduct, the professional conduct committee may recommend that no further action be taken with respect to the matter under review because:

- (a) the matter has been resolved with the consent of the complainant and the teacher who is the subject of the review; or
- (b) in the opinion of the professional conduct committee, no further action is warranted on the facts of the case.



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(4) If the professional conduct committee finds a teacher guilty of professional incompetence or professional misconduct, the professional conduct committee may make any recommendation that it considers just under the circumstances, including one or more of the following recommendations:

- (a) that the teacher's certificate of qualification be cancelled;
- (b) that the teacher's certificate of qualification be suspended for a specified period;
- (c) that the teacher's certificate of qualification be suspended pending the satisfaction and completion of certain conditions;
- (d) that the teacher may continue to teach only under certain conditions, which may include all or any of the following:
  - (i) prohibiting the teacher from performing specified teacher-related activities;
  - (ii) requiring the teacher to successfully complete specified classes or courses of instruction;
  - (iii) requiring the teacher to obtain medical or other treatment or counselling or both;
- (e) that the teacher be reprimanded;
- (f) that the teacher pay to the minister, within a fixed period:
  - (i) a fine in a specified amount not exceeding \$5,000; and
  - (ii) the costs of the investigation and hearing into the teacher's competence and conduct and related costs, including the expenses of the professional conduct committee and the costs of legal services and witnesses.

2009, c.13, s.27.

**Minister's order**

**230.7(1)** On receipt of a report pursuant to section 230.6, the minister may make an order in accordance with the recommendations of the professional conduct committee or make any other order that the minister considers just under the circumstances.

(2) The minister shall send a copy of his or her order made pursuant to subsection (1), together with a copy of the report of the professional conduct committee, to:

- (a) the teacher whose competence or conduct is the subject of the order;
- (b) the teacher's employer; and
- (c) the complainant, if any.

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- (3) If a teacher fails to comply with an order made pursuant to this section, the minister may cancel or suspend the teacher's certificate of qualification.
- (4) Subject to subsection (5), if the professional conduct committee finds a teacher guilty of professional misconduct or professional incompetence, the minister:
- (a) may notify all or any of the following of the findings of the professional conduct committee and of the minister's order made with respect to that teacher:
    - (i) employers;
    - (ii) boards of education and the conseil scolaire;
    - (iii) the Saskatchewan Teachers' Federation;
    - (iv) teacher registration bodies in other jurisdictions; and
  - (b) shall record the fact in any register of teachers established pursuant to section 209.6.
- (5) The minister shall not provide notification pursuant to clause (4)(a) or make an entry in the register of teachers pursuant to clause (4)(b) until:
- (a) any appeal pursuant to section 230.91 has been disposed of; or
  - (b) the time for bringing an appeal pursuant to section 230.91 has expired and no appeal has been brought.

2009, c.13, s.27.

**Criminal conviction**

**230.8** The minister may make any order pursuant to section 230.7 if:

- (a) a teacher has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada);
- (b) a report of the professional conduct committee is made to the minister respecting the conviction mentioned in clause (a);
- (c) the professional conduct committee has given the teacher mentioned in clause (a) an opportunity to be heard; and
- (d) the professional conduct committee finds that the conduct of the teacher giving rise to the conviction constitutes professional misconduct.

2009, c.13, s.27.

**Suspension re criminal charge**

**230.9** If a criminal charge is laid against a teacher and the teacher applies to the court for a stay of any disciplinary proceedings brought against him or her pursuant to this Act, the court, on the application of the minister, may direct that the teacher's certificate of qualification be suspended pending the disposition of the criminal charge.

2009, c.13, s.27.

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**Appeal of minister's order**

**230.91(1)** A teacher with respect to whom the minister has made an order pursuant to section 230.7 may appeal the order to the court within 30 days after the day on which the order was issued.

(2) The notice of appeal shall be served on the minister and any other person that the court may direct.

(3) The appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (2).

(4) On receipt of a notice of appeal, the minister shall file with the court a true copy of:

(a) the minister's order being appealed;

(b) in the case of an appeal of a minister's order made following the receipt by the minister of an employer notice or public complaint against the teacher:

(i) the employer notice or public complaint;

(ii) the notice served on the teacher by the professional conduct committee pursuant to subsection 230.4(1); and

(iii) the report of the professional conduct committee made pursuant to section 230.6;

(c) in the case of an appeal of a minister's order made following the receipt by the minister of a report of the professional conduct committee made pursuant to clause 230.8(b), the report of the professional conduct committee; and

(d) the transcript of the evidence presented to the professional conduct committee.

(5) The appellant or the appellant's solicitor or agent may obtain from the minister a copy of the documents filed pursuant to subsection (4) on payment of the costs of producing them.

(6) On hearing the appeal, the court may:

(a) dismiss the appeal;

(b) quash the finding of guilt;

(c) direct a new hearing or further inquiries by the professional conduct committee;

(d) affirm or vary the minister's order; or

(e) substitute its own decision for the decision appealed from.

(7) The court may make any order as to costs that it considers appropriate on an appeal pursuant to this section.

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**Effect of appeal**

**230.92** The commencement of an appeal pursuant to section 230.91 does not stay the effect of the order appealed from, but, on five days' notice to the minister, the teacher may apply to the court for a stay of the order pending the disposition of the appeal.

2009, c.13, s.27.

**Immunity**

**230.93** No action or proceeding lies or shall be commenced against:

- (a) the minister;
- (b) the Government of Saskatchewan;
- (c) any employee or agent of the Government of Saskatchewan;
- (d) the professional conduct committee; or
- (e) any member of the professional conduct committee;

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 in the carrying out or supposed carrying out of any duty imposed by this Act.

2009, c.13, s.27.

## 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;

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- (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;

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(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).

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- (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;

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- (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.



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- (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.

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

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- (9) All orders, decisions and rules made by the Educational Relations Board must be signed by the chairperson, or, in his or her absence, by the vice-chairperson.
- (10) Orders signed by the vice-chairperson pursuant to subsection (a) have the same effect as if they had been signed by the chairperson.
- (11) A decision of a majority of those present at a meeting of the Educational Relations Board is a decision of the Educational Relations Board.
- (12) The chairperson of the Educational Relations Board is entitled to receive remuneration for his or her services, allowances for necessary travel and other expenses in the amount or at a rate that the Lieutenant Governor in Council may determine.
- (13) The chairperson of the Educational Relations Board shall submit to the minister a report on that board's activities for the preceding year, at the times and in the form that the minister may require.

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

**Staff of Educational Relations Board**

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

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

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

**Mediation services**

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

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

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

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

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

**c. E-0.2****EDUCATION, 1995****Arbitration of dispute**

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

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

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

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

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

**Notice of arbitration to other party**

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

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

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

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

## EDUCATION, 1995

## c. E-0.2

**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.

**c. E-0.2**

## EDUCATION, 1995

(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.

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c. E-0.2

**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.

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(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.



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(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.

**c. E-0.2**

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(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.

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**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.

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- (4) An applicant described in subsection (2) or (3) shall provide a copy of the application to the Saskatchewan League of Educational Administrators, Directors and Superintendents.
- (5) An application pursuant to subsection (2) or (3) must include:
- (a) the name of the person with respect to whom the application is made;
  - (b) a full description of the position occupied by the person;
  - (c) the duties and responsibilities of the position;
  - (d) the grounds on which the application is made; and
  - (e) any other information that may be required by the Educational Relations Board.
- (6) The Educational Relations Board shall provide a reasonable opportunity to the applicant and the other party affected by the application to appear before it to make representations with respect to the application.
- (7) The Educational Relations Board shall:
- (a) consider an application pursuant to subsection (2) or (3) as promptly as circumstances permit;
  - (b) render a decision on the application in accordance with the criteria included for that purpose in the provincial agreement; and
  - (c) provide notice of its decision, in writing, to:
    - (i) the board of education or the conseil scolaire, as the case may be;
    - (ii) the person affected by the decision;
    - (iii) the Saskatchewan League of Educational Administrators, Directors and Superintendents; and
    - (iv) the minister.
- (8) A decision of the Educational Relations Board on an application pursuant to subsection (2) or (3) is final and binding on the board of education or the conseil scolaire and on the person affected by the application.

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

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

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

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

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

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c. E-0.2

**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 EDUCATION, CERTIFICATION AND CLASSIFICATION BOARD

**Interpretation of “board”**

**270** In sections 271 to 274, “**board**” means the Teacher Education, Certification and Classification Board constituted pursuant to section 271.

2012, c.10, s.16.

**Board constituted**

**271(1)** The Teacher Classification Board and the Board of Teacher Education and Certification are amalgamated and continued under the name Teacher Education, Certification and Classification Board.

- (2) The board consists of the members appointed or elected in accordance with the regulations.
- (3) The Lieutenant Governor in Council may make regulations respecting:
  - (a) the terms of the members of the board;
  - (b) the remuneration to be paid to the members of the board, and the reimbursement of their expenses, for attending meetings and otherwise attending to the affairs of the board; and
  - (c) the conduct of the affairs of the board and of the appeals committee established pursuant to section 274.
- (4) Subject to any regulations made pursuant to clause (3)(c), the board may determine its own rules of practice and procedure and the manner in which it conducts its affairs.

2012, c.10, s.16.

**c. E-0.2**

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**Responsibilities of board****272** The board shall:

- (a) review and advise the minister on matters related to:
  - (i) the education of teachers;
  - (ii) the certification and classification of teachers;
  - (iii) teacher resource planning;
- (b) review and make recommendations to the minister and the universities on programs for the education and training of teachers;
- (c) oversee the operation of the appeals committee established pursuant to section 274.

2012, c.10, s.16.

**Powers of board****273** The board 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 272;
- (c) submit proposals to 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 of qualification.

2012, c.10, s.16.

**Appeals committee****274(1)** The board shall establish an appeals committee in accordance with the regulations to perform the following functions on behalf of the board:

- (a) to:
  - (i) hear the representations of any person respecting his or her qualifications for certification as a teacher;
  - (ii) examine or review any evidence submitted to the appeals committee respecting the certification of that person as a teacher; and
  - (iii) make a recommendation respecting the certification of that person as a teacher to the person appointed pursuant to the regulations as the certifying official;

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- (b) to:
- (i) hear the representations of any teacher with respect to his or her inclusion in a class of teachers;
  - (ii) examine or review any evidence submitted to the appeals committee respecting the classification of the teacher; and
  - (iii) make a determination respecting the classification of the teacher.
- (2) A determination made by the appeals committee pursuant to subclause (1)(b)(iii) is binding on the teacher and on the board of education or conseil scolaire employing the teacher.
- (3) Subject to any regulations made pursuant to clause 271(3)(c) and the directions of the board, the appeals committee may determine its own rules of practice and procedure and the manner in which it will conduct its affairs.

2012, c.10, s.16.

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

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

PART VI  
**Finance**  
BUDGET

**Interpretation of “fiscal year”**

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

2012, c.10, s.17.

**Estimates of annual revenue and expenditures**

**278(1)** Not later than the day specified by the minister in each fiscal year, every board of education and the conseil scolaire shall prepare and submit to the minister for the minister’s approval:

- (a) a written statement of program objectives of the school division or the conseil scolaire for the next fiscal year; and
  - (b) estimates of revenues and expenditures required for the purposes of the school division or the conseil scolaire for the next fiscal year.
- (2) The written statement mentioned in subsection (1) that is prepared by a board of education or the conseil scolaire must include:
- (a) a supplementary statement referring to policies and programs of the board of education or the conseil scolaire; and
  - (b) any statistical data with respect to school enrolment and personnel requirements that the minister may require for the next fiscal year.

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(2.1) The estimates of revenues and expenditures mentioned in subsection (1) must:

- (a) be in any form that the minister may direct; and
- (b) in the case of a board of education, include the taxable assessment of the school division for the next fiscal year.

(3) Without restricting the generality of subsections (2) and (2.1), the statement and the estimates of revenue and expenditures mentioned in subsection (1) must include expenditures required for:

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

(4) **Repealed.** 2009, c.15, s.6.

(5) **Repealed.** 2009, c.15, s.6.

1995, c.E-0.2, s.278; 1998, c.21, s.103 and 127;  
2009, c.15, s.6.

**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.



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(3) Every board of education and the conseil scolaire shall provide the minister with a copy of every forecast mentioned in subsection (1) and a report of every review conducted pursuant to subsection (2) at any times and accompanied by any information that the minister may direct.

1995, c.E-0.2, s.279; 1998, c.21, s.104; 2009, c.15, s.7.

**Review, consultation and approval**

**280(1)** The minister shall review the estimates of revenues and expenditures submitted pursuant to section 278.

(2) Unless the minister agrees otherwise, a board of education or the conseil scolaire shall not incur any expenditures for a fiscal year until the estimates of revenues and expenditures for that fiscal year have been approved by the minister.

(3) For the purposes of subsection (2), the minister may:

(a) approve the estimates of revenues and expenditures mentioned in subsection (1); or

(b) issue a directive to the board of education or the conseil scolaire that submitted the estimates of revenues and expenditures requiring that board of education or the conseil scolaire to make any changes that the minister considers appropriate or in the public interest.

(4) If a directive is issued to a board of education or the conseil scolaire pursuant to clause (3)(b), the board of education or the conseil scolaire shall comply with the directive within the period specified in the directive.

2009, c.15, s.8.

**Final estimates**

**281** Not later than the date specified by the minister in each fiscal year, every board of education and the conseil scolaire shall, by resolution, adopt a final statement for the next fiscal year setting forth in as much detail as is practicable:

(a) the items and amounts of expenditures for the next fiscal year based on the estimates that are approved by the minister pursuant to section 280; and

(b) estimates of revenue from taxes, grants, fees and receipts from other sources that are anticipated for the next fiscal year.

2009, c.15, s.8.

**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.

## c. E-0.2

## EDUCATION, 1995

**Limits on expenditures**

**282.1** After the coming into force of this section, without the approval of the minister, a board of education and the conseil scolaire shall not incur expenditures in an amount greater than the amount that was:

- (a) in the case of the fiscal year ending on August 31, 2009, adopted by the board of education or the conseil scolaire in its final statement pursuant to section 281, as that section read before the coming into force of this section; or
- (b) in the case of any fiscal year commencing on or after September 1, 2009, approved by the minister pursuant to section 280.

2009, c.15, s.9.

**Annual report**

**283(1)** In each fiscal year, every board of education and the conseil scolaire shall submit to the minister, in accordance with *The Tabling of Documents Act, 1991*:

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

(2) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and financial statement submitted to the minister pursuant to this section.

2012, c.10, s.18.

## TAXATION

**Reports from municipalities**

**284** On or before the tenth day of each month, every municipality shall provide a return in the manner and containing the information directed by the minister to:

- (a) the minister; and
- (b) every school division that is wholly or partly within the municipality.

2009, c.15, s.10.

**Tax rates**

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

2009, c.15, s.10.

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

**Cash reserve for capital expenditures**

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

2009, c.15, s.10.

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

**Setting tax rates**

**288(1)** In this section:

**“agricultural property class”** means the agricultural property class as defined in the regulations; (« *catégorie des biens agricoles* »)

**“commercial and industrial property class”** means the commercial and industrial property class as defined in the regulations; (« *catégorie des biens commerciaux et industriels* »)

**“property class”** means the agricultural property class, the commercial and industrial property class and the residential property class; (« *catégorie de biens* »)

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

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

**“residential property class”** means the residential property class as defined in the regulations. (« *catégorie des biens résidentiels* »)

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

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

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

(4) The rates determined for a taxation year pursuant to subsection (2) apply to all of the taxation year with respect to which they are determined.

**c. E-0.2**

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

2009, c.15, s.11; 2012, c.10, s.19.

**Separate school division bylaw**

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

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

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- (3) A bylaw passed for the purposes of this section remains in effect until it is repealed by another bylaw.
- (4) A board of education of a separate school division shall only make or repeal a bylaw for the purposes of this section:
- (a) after the date of a general election held pursuant to *The Local Government Election Act*; and
  - (b) before December 31 of the same year.
- (5) Notwithstanding subsections (2) and (4), after the coming into force of this section and before the date prescribed in the regulations, a board of education of a separate school division that wishes to determine its own levy pursuant to section 288 shall:
- (a) pass a bylaw, in the form prescribed in the regulations or in any form acceptable to the minister, declaring its intention to determine its own levy; and
  - (b) within five days after passing the bylaw pursuant to clause (a), provide:
    - (i) the minister with a certified copy of the bylaw and any additional information that the minister may reasonably require; and
    - (ii) every municipality in which the separate school division is wholly or partly located with a certified copy of the bylaw.
- (6) Notwithstanding subsection (2), if a board of education of a separate school division passes a bylaw pursuant to subsection (5), the bylaw is effective with respect to the taxation year beginning January 1, 2009 and every subsequent taxation year.
- (7) Notwithstanding subsection (4), if a separate school division is established after the coming into force of this section and the board of education of the separate school division wishes to determine its own levy pursuant to section 288, the board of education, within 30 days after the date on which the school division is established, shall:
- (a) pass a bylaw, in the form prescribed in the regulations or in any form acceptable to the minister, declaring its intention to determine its own levy; and
  - (b) within five days after passing the bylaw pursuant to clause (a), provide:
    - (i) the minister with a certified copy of the bylaw and any additional information that the minister may reasonably require; and
    - (ii) every municipality in which the separate school division is wholly or partly located with a certified copy of the bylaw.

**c. E-0.2**

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**Notice of tax rates**

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

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

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

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

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

**Levy of taxes**

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

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

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

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

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

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

**Payment to school division of school taxes**

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

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

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

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

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

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

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

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

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

**Recovery of taxes by board of education**

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

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

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

**Municipal payments to division**

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

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

## c. E-0.2

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**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, 2010*.

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



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**School tax form**

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

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

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

**Assessment of owners in separate school divisions**

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

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

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

**Assessment of board of education in separate school division**

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

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

**Assessment of companies where notice is given**

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

- (a) the clerk, secretary or secretary-treasurer of any municipality in which a separate school division is situated in whole or in part;
- (b) the board of education of the public school division in which a separate school division has been established; and
- (c) the board of education of the separate school division.

(2) Where a company has given notice pursuant to subsection (1), the proper assessor shall enter the company as a separate school taxpayer in the assessment roll with respect to the property designated in the notice.

(3) Subject to subsection (5), the part of the property that is designated in the notice mentioned in subsection (2) is to be assessed in the name of the company for the purposes of the separate school division.

(4) Any other property of the company not designated in the notice mentioned in subsection (2) is to be assessed in the name of the company for public school purposes.

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- (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; 2009, c.13, s.31.

**Assessment where notice is not given by company**

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

- (a) for the purposes of the public school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the public school division with respect to property situated within the boundaries of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division;
- (b) for the purposes of the separate school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division.

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- (2) Notwithstanding subsection (1), the minister may fix, by order, the proportions for the allocation of tax revenue where the budgetary requirements of the separate school division as recognized by the minister are less than the total of:
- (a) the school taxes that would be levied by applying the tax rate fixed for the public school division to the taxable assessment of the separate school division; and
  - (b) the separate school division's share of taxes that would be collected from any companies that have not given notice pursuant to section 299 or that are relieved from compliance with that section.
- (3) The proper assessor shall enter the company as a public school taxpayer and a separate school taxpayer in the assessment roll with respect to the property assessed to it pursuant to subsection (1) or (2).
- (4) The minister may require information with respect to the tax rate to be levied each year from:
- (a) any separate school division that is situated within the boundaries of a public school division;
  - (b) the public school division mentioned in clause (a); or
  - (c) any of the municipalities that are required to levy school taxes for the separate and public school divisions.
- (5) Not later than April 1, the minister shall notify the proper taxing authorities of any municipalities that are required by this Act to levy taxes for the separate school division that the assessment of any companies that have not given notice pursuant to section 299 or that are relieved from compliance with that section shall be allocated to the separate school division and the public school division in the proportions prescribed by the minister.

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

**Tax rate of division to be applied**

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

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

**c. E-0.2****EDUCATION, 1995****Division of assessment of company**

**302(1)** If a public school division and a separate school division are situated wholly within one municipality, the taxable assessments mentioned in subsection 300(1) are to be divided in the proportions set out in that subsection.

(2) If a public school division and a separate school division are situated in two or more municipalities, the assessors of those municipalities shall send to the boards of education of the respective school divisions statements showing the total assessed value for the current year of assessable property assessed in the municipalities for public school and separate school purposes for persons other than companies.

(3) The statements mentioned in subsection (2) are to be sent immediately after the respective assessment rolls are finally completed and the time during which appeals against the assessments may be made has elapsed, or the appeals, if any, have been disposed of.

(4) Subject to subsection (5), the taxable assessments mentioned in section 300 are to be divided into shares corresponding with the aggregate of the assessed values shown in the statements of assessments for public school and separate school purposes.

(5) On receipt of the statements mentioned in subsection (2) and any other information that may be required for the purpose, the boards of education of the public and separate school divisions shall jointly calculate the proportion of the taxable assessments of those companies which do not give notice pursuant to section 299 to be allocated to the public and separate school divisions.

(6) The boards of education of the public and separate school divisions shall jointly notify the appropriate municipal authorities with respect to the proportions of the assessments calculated pursuant to subsection (5) to be shared for the purposes of the public and separate school divisions.

1995, c.E-0.2, s.302; 2009, c.13, s.33.

**Statement of taxable assessment of company**

**303(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.

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- (3) The notification must be received by the municipality on or before:
- (a) May 1 in each year; or
  - (b) where the council has adopted the provisions of *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010* by which the taxes for any year are to be based on an assessment made in the previous year, December 1 in the year in which the assessment is made.
- (4) Where a company has filed a notice pursuant to subsection (1), sections 300 to 303 apply, with any necessary modification, to the assessment of the assessable property of the company on the assessment roll for the public school division and the separate school division.
- (5) Where all of the shareholders of a company are either taxpayers of the public school division or taxpayers of the separate school division, the company may, within the period limited by subsection (3), file a statement to that effect with the clerk, secretary or secretary-treasurer of the municipality verified by a statutory declaration of the president, vice-president or secretary of the company, or of some other person having the management of its affairs in Saskatchewan who can testify to the facts, and the taxes of the company must be levied and collected wholly for the public school division or the separate school division.
- (6) Every notice given pursuant to this section and every statement filed pursuant to this section is taken as continuing and in force and to be acted on until it is withdrawn, varied or cancelled by a notice subsequently given or statement subsequently filed in the manner prescribed in this section.
- (7) Every notice given or statement filed pursuant to section 299 or this section is to be kept by the clerk, secretary or secretary-treasurer of the municipality on file in his or her office, and is open to inspection and examination by any person entitled to examine or inspect the assessment roll during normal business hours.
- (8) Each year before the completion and return of the assessment roll, the assessor shall, search for and examine all notices that may be on file in the office of the clerk, secretary or secretary-treasurer and shall conform to those notices in making his or her assessment.

1995, c.E-0.2, s.304; 1999, c.16, s.10; 2002, c.27, s.3; 2005, c.21, s.3; 2010, c.25, s.3.

**Assessment of body corporate without share capital**

- 305(1)** A body corporate without share capital may, by notice to the assessor of any municipality in which a separate school division is situated in whole or in part, require any part of the real property with respect to which the body corporate is assessable to be assessed for the purposes of the separate school division.
- (2) On receipt of a notice mentioned in subsection (1), the assessor shall enter the body corporate as a separate school taxpayer in the assessment roll with respect to the property designated in the notice, and the part of the property that is so designated is to be assessed in the name of the body corporate for the purposes of the separate school division.
- (3) **Repealed.** 2009, c.13, s.34.

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(4) A notice mentioned in subsection (1) must be given pursuant to a resolution of the directors of the body corporate and is to be taken as continuing and in force and to be acted on until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to a resolution of the directors.

(5) If a body corporate without share capital does not give the notice mentioned in subsection (1), that part of the real property with respect to which the body corporate is assessed is to be assessed:

(a) for the purposes of the public school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the public school division with respect to property situated within the boundaries of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division;

(b) for the purposes of the separate school division, in the same ratio or proportion as the total assessment of properties assessed to persons, other than corporations, who are assessable for the purposes of the separate school division bears to the total combined assessed value of property assessed to persons, other than corporations, with respect to assessable property situated within the boundaries of the separate school division and assessable for purposes of the separate school division and the public school division.

(6) Notwithstanding subsection (5), the minister may fix, by order, the proportions for the allocation of tax revenue if the budgetary requirements of the separate school division, as recognized by the minister, are less than the total of:

(a) the school taxes that would be levied by applying the tax rate fixed for the public school division to the taxable assessment of the separate school division; and

(b) the separate school division's share of taxes that would be collected from any bodies corporate without share capital that have not given notice pursuant to subsection (1).

(7) The proper assessor shall enter the body corporate as a public school taxpayer and a separate school taxpayer in the assessment roll with respect to the property assessed to it pursuant to subsection (5) or (6).

1995, c.E-0.2, s.305; 1999, c.16, s.11; 2009, c.13, s.34.

**306 Repealed.** 2000, c.42, s.5.

**306.1 Repealed.** 2009, c.15, s.16.

**Correction and adjustment of assessments**

**307(1)** Notwithstanding anything in this or any other Act, the minister, by order, may make any provision that he or she considers necessary for the making or correcting of the assessment or tax levy, or for the making of a new assessment or tax levy, where it is shown to the satisfaction of the minister that the assessment or tax levy of a school division:

- (a) has not been made in any year as provided by law; or
- (b) has been incorrectly or improperly made in any respect.

(2) Without limiting the generality of subsection (1), the minister, by order, may direct a municipality to pay to a school division, in accordance with the terms of the order, any sum that the minister considers necessary for the adjustment of accounts between the school divisions affected.

(3) The sum of money that the minister may order a municipality to pay pursuant to this section is to come from the taxes levied or to be levied on behalf of another school division.

1995, c.E-0.2, s.307.

**308 Repealed.** 1996, c.45, s.15.

**Executions against board of education**

**309(1)** A judgment against a board of education may be endorsed with a direction to the sheriff to levy the amount of the judgment by rate.

(2) The sheriff shall deliver a copy of the judgment and endorsement to the board of education with a statement in writing of:

- (a) the amount required to satisfy the judgment;
- (b) the amount for interest calculated to a date as near as is convenient to the day of service; and
- (c) the amount for the sheriff's fees.

(3) If the amounts mentioned in subsection (2) are not paid to the sheriff within 30 days after the day of service, the sheriff shall issue a precept directed to the board of education and shall by that precept, after reciting the judgment and that the board of education has failed to satisfy it, command the board of education to cause to be levied, at the time and in the manner required by law with respect to general school rates, a rate sufficient to provide for the amount due on the judgment and for the interest and sheriff's fees to the time when the rate may reasonably be expected to be available.

(4) Immediately after receipt of the precept, the board of education shall transmit to the clerk, secretary or secretary-treasurer of each municipality in which a part of the school division is situated:

- (a) a copy of the precept; and
- (b) a statement of the amount required to be levied in each municipality.

**c. E-0.2**

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(5) At the time for levying the annual uniform rate next after the receipt of the precept, the clerk, secretary or secretary-treasurer of the municipality shall add a column in the tax roll for each judgment under the title “Judgment Rate of A.B. vs. Board of Education of the \_\_\_\_\_ School Division No. \_\_\_\_ of Saskatchewan” and shall insert the amount to be levied on each person respectively and shall levy the amount at the time and in the manner mentioned in subsection (3).

(6) When sufficient taxes for the purpose are received by the board of education, the board of education shall return the precept to the sheriff and at the same time remit to the sheriff the amount of the judgment.

(7) After satisfying the judgment and all fees related to it, the sheriff shall return within 10 days after receiving it any surplus to the board of education for the general purposes of the school division.

(8) For the purposes of carrying into effect, or permitting or assisting the sheriff to give effect to, the provisions of this Act with respect to any judgment enforcement, the chief financial officer of the board of education and the clerk, secretary or secretary-treasurer of each municipality affected are deemed to be officers of the court out of which the judgment issued.

(9) The officers mentioned in subsection (8) shall be subject to the court’s direction to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed on them pursuant to this section.

1995, c.E-0.2, s.309; 2009, c.13, s.35; 2010, c.10, s.3.

## GRANTS

**Operating grants to boards of education**

**310(1)** Subject to subsection (2), the regulations and any directive of the minister, the minister shall pay to each board of education an operating grant for the period commencing on April 1 in one year and ending on March 31 of the following year.

(2) The minister may deduct from any annual operating grant payable to a board of education the amount of the fees for membership in an association recognized and approved for the purposes of clause 87(1)(u) unless:

- (a) on or before December 1 in any year, the board of education requests the minister, in writing, not to make the deduction; and
- (b) the minister approves the request mentioned in clause (a).

2012, c.10, s.22.



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c. E-0.2

**Capital grants to boards of education**

**311** Subject to the regulations and any directive of the minister, the minister may make capital grants to a board of education to assist it in:

- (a) acquiring sites or buildings, by construction, purchase or lease, for the purposes of the school division;
- (b) acquiring furnishings and capital equipment necessary for the operation or renovation of school division facilities;
- (c) renovating existing sites or buildings for their continued use as school division facilities; or
- (d) if a school division is located in the Northern Saskatchewan Administration District, acquiring:
  - (i) sites or buildings, by construction, purchase or lease, for use as teachers' residences; or
  - (ii) furnishings and capital equipment necessary for the operation or renovation of teachers' residences.

2012, c.10, s.22.

**Information required re grants**

**312(1)** For the proper administration of sections 310 and 311, the minister may require, in the form and at the times that the minister may direct:

- (a) any returns, statements, reports and information that the minister considers necessary from each school division; and
  - (b) a certified statement setting forth information with respect to the taxable assessment of a school division from any municipality within which the whole or any part of that school division is situated.
- (2) The minister may apply any capital or operating grant due to a school division in repayment of any indebtedness of the school division to the ministry or to the Minister of Finance.
- (3) All grants provided for by this Act that may be paid to a board of education are payable subject to the condition that the school division and the schools in it are organized, operated and maintained in accordance with this Act, the regulations and every minister's directive that relates to the grant.

2009, c.15, s.17.

**Minister's powers re funding**

**312.1** If, in the opinion of the minister, a school division is in breach of any requirement of this Act, the regulations, any term or condition imposed on a grant, an agreement with the minister, a minister's approval or a minister's directive, the minister:

- (a) may cease making any payment, or any part of a payment, that would otherwise be made to the school division until the minister is satisfied that the school division has complied with this Act, the regulations, the terms or conditions of the grant, the agreement, the approval or the directive, as the case may be; and
- (b) may retain the amounts of any payments mentioned in clause (a).

2009, c.15, s.17.

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

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- (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 direct, 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 francophone schools in the division scolaire francophone are organized, operated and maintained in accordance with this Act and the regulations.

1995, c.E-0.2, s.315; 1998, c.21, s.110; 2012, c.10, s.23.

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

BORROWING POWERS OF BOARD OF EDUCATION  
OR CONSEIL SCOLAIRE

**Loans for current operating expenditures**

**319(1)** Subject to subsection (2), a board of education or the conseil scolaire may, by resolution, authorize its chairperson and its chief financial officer to borrow, on behalf of the board of education or conseil scolaire, as the case may be, a sum of money that may be required to meet its current operating expenditures.

(2) A board of education or the conseil scolaire may act pursuant to subsection (1) only if it has obtained the consent of the minister to do so.

2012, c.10, s.24.

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**Loans to conseil scolaire for current expenditures**

**320(1)** The conseil scolaire may, by resolution, authorize its président and its chief financial officer to borrow:

- (a) any sum of money that may be required for necessary expenditures of the conseil scolaire pending the receipt of monies other than those described in clause (b); and
  - (b) any sum of money that the conseil scolaire considers necessary to provide for its current expenditures on the security of operating grants payable to the conseil scolaire pursuant to section 313, where borrowing pursuant to clause (a) is insufficient to do so.
- (2) A loan made pursuant to clause (1)(a) must be paid out of and be a first charge on the revenues for the fiscal year in which the loan is made.
- (3) A loan made pursuant to clause (1)(a) may be secured by the promissory note or notes of the président and the chief financial officer given on behalf of the conseil scolaire.
- (4) Where the conseil scolaire borrows pursuant to clause (1)(b), the conseil scolaire, if requested to do so by the person making the loan, shall immediately notify the Minister of Finance and the department of the fact, giving particulars of the loan.
- (5) The notification mentioned in subsection (4) is the authority to the Minister of Finance to repay the loan out of any operating grant that may become payable to the conseil scolaire pursuant to section 313.
- (6) Where the loan mentioned in subsection (4) is repaid out of the ordinary funds of the conseil scolaire, the conseil scolaire shall immediately file with the Minister of Finance and the department a statement from the person from whom the money was borrowed certifying the repayment of the loan.
- (7) The statement mentioned in subsection (6) is sufficient to cancel the authority of the Minister of Finance to repay the loan out of any operating grants payable pursuant to section 313.

1995, c.E-0.2, s.320; 1998, c.21, s.112 and 127;  
2009, c.13, s.36.

**Borrowing for capital expenditures**

**321(1)** Subject to subsection (2), a board of education or the conseil scolaire may borrow money:

- (a) to purchase or otherwise acquire, or to erect, repair, furnish, equip, move or add to, a 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.

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(2) A board of education or the conseil scolaire may act pursuant to subsection (1) only if it has obtained the consent of the minister to do so.

(3) **Repealed.** 2012, c.10, s.25.

(4) No moneys borrowed for any of the purposes mentioned in this section are to be used for any purpose other than that stated in the minister's consent.

(5) Notwithstanding subsection (4), if, on completion of the work for which a loan was obtained pursuant to this section, there remains an unexpended balance, the board of education or conseil scolaire shall use that balance to reduce the amount owing on the loan.

(6) **Repealed.** 2012, c.10, s.25.

(7) **Repealed.** 2012, c.10, s.25.

(8) **Repealed.** 2012, c.10, s.25.

2009, c.15, s.19; 2012, c.10, s.25.

**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 a board of education or the conseil scolaire at a meeting that is called for that purpose, showing in detail:

(a) the amount proposed to be borrowed;

(b) the purposes for which the expenditure is to be made;

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- (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.
- (2) After the resolution mentioned in subsection (1) is passed, the board of education or conseil scolaire shall immediately cause to be published in at least one issue of a newspaper that has general circulation in the school division or division scolaire francophone, as the case may be:
- (a) a copy of the resolution; and
  - (b) a notice of its intention to apply to the minister pursuant to section 325 for authorization to borrow the proposed amount.

2012, c.10, s.26.

**324 Repealed.** 2012, c.10, s.27.**Application to minister for authorization to borrow**

**325(1)** On passing a resolution mentioned in section 323, or at any time after that date that the board of education or conseil scolaire considers appropriate, the board of education or conseil scolaire shall apply to the minister for authorization of a loan.

(2) On an application pursuant to subsection (1), the board of education or conseil scolaire shall transmit to the minister:

- (a) in the case of a board of education, a copy of the resolution signed by the chairperson of the board of education and certified by the chief financial officer under the corporate seal of the board of education; and
- (b) in the case of the conseil scolaire, a copy of the resolution signed by the président of the conseil scolaire and certified by the chief financial officer under the corporate seal of the conseil scolaire.

2012, c.10, s.28.

**326 Repealed.** 2012, c.10, s.29.**Action by minister**

**327(1)** On receipt of an application and resolution mentioned in section 325, the minister shall take any action that the minister considers advisable.

(2) The minister shall immediately notify the board of education or conseil scolaire of the terms of the authorization if the loan is authorized.

(3) The minister shall cause notice of the authorization to be published in the Gazette.

1995, c.E-0.2, s.327; 2012, c.10, s.30.

**328 Repealed.** 2012, c.10, s.31.

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**Mortgages for housing**

**329(1)** Notwithstanding sections 322 to 327 but subject to subsection (2), a board of education or the conseil scolaire may, for the purpose of providing housing for teachers and other persons employed by it, obtain loans by way of mortgages in that housing pursuant to the *National Housing Act* (Canada).

(2) A board of education or the conseil scolaire may act pursuant to subsection (1) only if it has obtained the consent of the minister to do so.

2009, c.15, s.20; 2012, c.10, s.32.

POLL ON BYLAW

**330 Repealed.** 2012, c.10, s.33.

DEBENTURES

**331 Repealed.** 2012, c.10, s.34.

**332 Repealed.** 2012, c.10, s.34.

**333 Repealed.** 2012, c.10, s.34.

**334 Repealed.** 2012, c.10, s.34.

**335 Repealed.** 2012, c.10, s.34.

SINKING FUND

**336 Repealed.** 2012, c.10, s.35.

**337 Repealed.** 2012, c.10, s.35.

**338 Repealed.** 2012, c.10, s.35.

**339 Repealed.** 2012, c.10, s.35.

**340 Repealed.** 2012, c.10, s.35.

**341 Repealed.** 2012, c.10, s.35.

TEMPORARY LOAN ON DEBENTURES

**342 Repealed.** 2012, c.10, s.36.

PART VII  
**School Property**  
 ACQUISITION AND DISPOSAL OF PROPERTY

**School property to be vested**

**343(1)** Subject to subsection (2), all buildings and land acquired by purchase, gift or devise for the purposes of a school division or the conseil scolaire are vested in the board of education or the conseil scolaire, as the case may be.

(2) All buildings and land mentioned in subsection (1) vested in a board of education or the conseil scolaire may be used only if the board of education or the conseil scolaire has obtained the approval of the minister.

2009, c.15, s.21.

**Acquisition of property**

**344(1)** 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).



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(4) A board of education or the conseil scolaire shall obtain the approval of the minister before making a capital expenditure exceeding the amount prescribed in the regulations to:

- (a) purchase, lease or otherwise acquire an interest in real or personal property; or
- (b) construct, renovate or alter a facility.

(5) A board of education or the conseil scolaire shall call for tenders before making a capital expenditure exceeding the amount prescribed in the regulations for:

- (a) the purchase, lease or other acquisition of an interest in real or personal property;
- (b) the construction, renovation or alteration of a facility;
- (c) the purchase of building materials; or
- (d) other capital works authorized pursuant to this Act.

1995, c.E-0.2, s.344; 1998, c.21, s.117; 2012, c.10, s.37.

**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.

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**Expropriation of land on which school buildings are situated**

**346(1)** Subject to the approval of the Saskatchewan Municipal Board, a board of education may enter on and expropriate any real property that is not more than one hectare in area within the school division on which a school building, teacher's residence or other building used for the purposes of the school division is situated and is erected or acquired by the board of education.

(2) Section 345 applies, with any necessary modification, but, for the purposes of determining the amount of compensation for the land, the buildings mentioned in subsection (1) are not deemed to be a part of the real property and their value is not to be taken into consideration.

1995, c.E-0.2, s.346.

**Disposal of real and personal property**

**347(1)** Subject to subsections (2) and (3), a board of education or the conseil scolaire may dispose of, through sale, lease or demolition, any of its real or personal property.

(2) A board of education or the conseil scolaire shall obtain the approval of the minister before selling, leasing or otherwise disposing of an interest in real or personal property for an amount that exceeds the amount prescribed in the regulations.

(3) Subject to subsection (4.1), if the real or personal property is appraised at a value exceeding the amount prescribed in the regulations, or appears likely to be sold for more than the amount prescribed in the regulations, the board of education or conseil scolaire shall:

- (a) advertise the sale of the property in at least two issues of a newspaper circulating in the school division or division scolaire francophone, as the case may be;
- (b) request tenders or arrange for a public auction; and
- (c) accept a tender or bid only if:
  - (i) in the case of a board of education, the board of education is of the opinion that the interests of the school division in the property are adequately protected;
  - (ii) in the case of the conseil scolaire, the conseil scolaire is of the opinion that the interests of the division scolaire francophone in the property are adequately protected; and
  - (iii) the approval of the minister has been obtained, when required.

(4) **Repealed.** 1998, c.21, s.118.

(4.1) A board of education or the conseil scolaire may, in the following circumstances, sell, transfer or exchange its property without requesting tenders or arranging for a public auction:

- (a) if the board of education or conseil scolaire enters into an agreement with the council of a municipality to sell or transfer its property to, or exchange its property with, the council of the municipality for the purposes of facilitating community planning or joint facilities;

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(b) if the board of education or conseil scolaire enters into an agreement with the other, or with another board of education, a registered independent school, an Indian band, the Crown in right of Saskatchewan, the Crown in right of Canada or any public agency approved by the minister, to sell or transfer its property to, or exchange its property with, the other party for use by the other party for the purposes of a school, an educational purpose or another public purpose.

(4.2) **Repealed.** 2012, c.10, s.38.

(5) Subject to the other provisions of this section, where a board of education or a conseil scolaire has agreed to sell a school that is located in the Northern Saskatchewan Administration District to an Entitlement Band and the board of education or the conseil scolaire and the Entitlement Band cannot agree on a purchase price, the board of education or the conseil scolaire or the Entitlement Band may submit the matter to the Arbitration Board established pursuant to the Framework Agreement, and the price determined by the Arbitration Board shall be binding on the board of education or the conseil scolaire and the Entitlement Band.

(6) For the purposes of subsection (5), “**Entitlement Band**” means any Indian band that is a party to the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by the Crown in right of Canada, the Crown in right of Saskatchewan and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands.

1995, c.E-0.2, s.347; 1998, c.21, s.118 and 127;  
2000, c.10, s.14; 2009, c.15, s.22; 2012, c.10,  
s.38.

**Inventory of property of division**

**348** Every board of education and the conseil scolaire shall prepare and regularly maintain an inventory of all lands, buildings, furnishings, furniture, appliances, equipment and supplies in any form and detail that the board of education or the conseil scolaire considers sufficient for the purposes of property control and management and for its purposes in financial planning.

1995, c.E-0.2, s.348; 1998, c.21, s.119.

**349 Repealed.** 2012, c.10, s.39.

SCHOOL BUILDINGS

**Location of buildings**

**350(1)** Subject to the regulations, if it is determined by a resolution of a board of education or the conseil scolaire that a new building is required for the purposes of the school division or division scolaire francophone, the board of education or conseil scolaire shall:

- (a) decide where the building is to be situated; and
- (b) acquire the land necessary to be used as the site for that building.

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(2) Subject to the regulations, if it is determined by a resolution of a board of education or the conseil scolaire that a new teachers' residence is required in a school division or francophone education area located in the Northern Saskatchewan Administration District, the board of education or conseil scolaire shall:

- (a) decide where the building is to be situated; and
- (b) acquire the land necessary to be used as the site for that building.

2012, c.10, s.40.

**Construction plans**

**351(1)** If a board of education or the conseil scolaire passes a resolution pursuant to section 350, or if a board of education or the conseil scolaire passes a resolution to undertake an addition to or major renovation of one of its buildings, the board of education or conseil scolaire shall submit to the minister, in the form required by the minister, a description of the construction mentioned in that resolution with respect to:

- (a) location of the new construction and service area of the building;
- (b) proposed uses for the building;
- (c) in the case of a school building, enrolment projections and classes to be enrolled;
- (d) general specifications and space requirements of the building;
- (e) estimated project cost;
- (f) financing of construction; and
- (g) tentative schedule of construction.

(2) On receipt of the information mentioned in subsection (1), the minister:

- (a) shall review the proposal in consultation with the board of education or conseil scolaire; and
- (b) subject to the regulations, may approve the project for detailed planning of specifications and financing.

(3) A board of education or the conseil scolaire shall not call for tenders for the purchase of materials or for construction until the minister approves final plans and specifications with respect to:

- (a) the building;
- (b) the building site; and
- (c) the financial arrangements pertaining to them.

2012, c.10, s.40.

**352 Repealed.** 2012, c.10, s.41.

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**Building specifications**

**353** Plans and specifications of buildings to be used for the purposes of a school division or the division scolaire francophone must conform to all applicable laws, including those respecting:

- (a) size, location and condition of the building and building site;
- (b) construction standards and general design;
- (c) standards required for heating, lighting, ventilation, sanitation, acoustics, fire protection, safety and adequacy of accommodation for the users of the building; and
- (d) provisions for laboratories, libraries, shops and other ancillary accommodations required for the program plans of the board of education or conseil scolaire.

2012, c.10, s.42.

SCHOOL VEHICLES

**Transportation services**

**354** A board of education for the purposes mentioned in clause 85(1)(k), or the conseil scolaire for the purposes mentioned in clause 86(k), may:

- (a) acquire, by purchase or lease out of the funds of the board of education or conseil scolaire, as the case may be, any vehicles that it considers necessary and expedient to provide transportation services; or
- (b) subject to section 355, enter into a contract for the provision of transportation services.

2012, c.10, s.43.

**Tenders required**

**355(1)** A board of education or the conseil scolaire shall call for tenders before entering into a contract for the provision of transportation services at a cost exceeding the amount prescribed in the regulations.

(2) In the call for tenders mentioned in subsection (1), a board of education or the conseil scolaire shall specify the requirements of the contract for the provision of transportation services with respect to the vehicles desired or the services to be provided.

1995, c.E-0.2, s.355; 1998, c.21, s.121 and 127;  
2000, c.10, s.17; 2012, c.10, s.44.

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**Specification of vehicles**

**356(1)** Specifications with respect to design, equipment and safety features of buses or other vehicles used for the transportation of pupils, whether owned by the school division or the conseil scolaire or provided by a contractor, must conform with:

- (a) the regulations; and
- (b) the regulations made pursuant to *The Traffic Safety Act*, where applicable.

(2) Inspection and maintenance of the vehicles used for transportation of pupils, the qualifications and licensing of drivers of those vehicles, the duties of drivers and the procedures for the safety of pupils in transit, must conform with:

- (a) the regulations; and
- (b) the regulations made pursuant to *The Traffic Safety Act*, where applicable.

1995, c.E-0.2, s.356; 2004, c.67, s.5.

**PART VIII****General****Rights of minorities**

**357(1)** Nothing in this Act affects any right conferred by *The School Act* on any minority of electors in any 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.

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**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.

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**Improper retention of school property**

**365(1)** Any trustee, officer, school community council member or employee of a school division who, after ceasing to hold office, retains any moneys, book, paper or thing belonging to the school division 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; 2006, c.18, s.30.

**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 francaskois school in the division scolaire francophone without the authorization of the président of the conseil scolaire, the conseil d'école or the director;



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- (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 community council until their disposal is:

- (a) authorized by a resolution of the board of education; and
- (b) approved by the minister.

(2) The conseil scolaire shall preserve all public documents of the conseil scolaire and the conseils d'écoles that pertain to activities pursuant to this Act until their disposal is:

- (a) authorized by a resolution of the conseil scolaire; and
- (b) approved by the minister.

(3) With the consent of The 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; 2006, c.18, s.31.

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**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;

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- (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);
- (i.1) establishing standards of professional competency, conduct and proficiency for teachers who are employed or retained to teach in a registered independent school or by any person or entity recognized by the minister, other than a board of education or the conseil scolaire;
- (i.2) without restricting the generality of section 209.4, prescribing any conduct on the part of a teacher that shall be deemed to constitute professional misconduct within the meaning of this Act;
- (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 assessments pursuant to section 178 for determining those pupils who are pupils with intensive needs;
  - (p.2) respecting any criteria the minister must consider when establishing a guideline for the purposes of section 178;
  - (p.3) prescribing requirements for entering into agreements pursuant to section 178;
  - (p.4) respecting the cost, or portion of the cost, of maintenance, tuition and transportation for, and support of, a pupil with intensive needs that the board of education or conseil scolaire is responsible for paying;

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- (p.5) respecting the provision of educational services to pupils with intensive needs;
- (p.6) respecting the conduct of reviews pursuant to section 178.1;
- (p.7) for the purposes of section 271:
  - (i) governing the appointment or election of the members of the Teacher Education, Certification and Classification Board; and
  - (ii) respecting the manner in which the affairs of the board are to be conducted;
- (p.8) for the purposes of section 274:
  - (i) governing the establishment of an appeals committee of the Teacher Education, Certification and Classification Board; and
  - (ii) respecting the manner in which the affairs of the appeals committee are to be conducted;
- (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;
- (q.1) for the purposes of section 230.3:
  - (i) prescribing the composition of and manner of appointing the members of the professional conduct committee;
  - (ii) respecting the business and procedure of the professional conduct committee and the manner in which it shall conduct its hearings;
- (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 school transportation services and the maintenance of accurate records of the number of persons served, the distance travelled, the cost of transportation services and any other related information required by the minister;
- (v) prescribing the terms and conditions under which textbooks, library books, reference books and other learning resources are furnished without cost to pupils;
- (w) governing the appointment, qualifications and general duties of directors and of other persons employed by boards of education or the conseil scolaire as superintendents, assistant superintendents, consultants, or supervisors in services related to education, health, welfare and school attendance;

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- (x) prescribing the qualifications of persons employed as educational assistants and the conditions of employment and general duties of those persons;
- (x.1) prescribing the qualifications of persons appointed to perform the function of chief financial officer for a board of education or the conseil scolaire;
- (y) respecting the payment of fees by a board of education, the conseil scolaire, a parent or a guardian with respect to the attendance of a pupil at a school;
- (z) respecting the use of languages other than English as languages of instruction;
- (aa) respecting the remuneration and reimbursement of expenses of persons, other than employees of the Government of Saskatchewan, who have been appointed pursuant to this Act:
  - (i) to assist with conferences or other meetings pertaining to professional development and educational planning authorized by the minister;
  - (ii) to adjudicate disputes;
  - (iii) to act on the Teacher Education, Certification and Classification Board or its appeals committee pursuant to section 271 or 274; or
  - (iv) to act on special committees or on boards of reference established by the minister;
- (bb) respecting the developing and equipping of and standards governing school libraries and learning resource centres;
- (cc) governing the procedure to be followed with respect to any proceeding or thing authorized by this Act in any case where the provisions of this Act are, in the opinion of the minister, insufficient or inapplicable;
- (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, certificates of standing and other certificates that may be issued by the department;
- (ff) providing for the establishment and administration, under the control of the department, of:
  - (i) **Repealed.** 2012, c.10, s.45.
  - (ii) schools for pupils with intensive needs;
- (gg) **Repealed.** 2012, c.10, s.45.
- (gg.1) **Repealed.** 2009, c.15, s.23.
- (hh) respecting any matter mentioned in subsections 295(2) and (4);

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- (ii) respecting the election of members of the conseil scolaire;
- (ii.1) for the purposes of section 288.1:
  - (i) prescribing a form of bylaw; and
  - (ii) prescribing a date for subsection 288.1(5);
- (ii.2) respecting operating grants to be paid pursuant to section 310, including:
  - (i) prescribing and requiring compliance with any terms and conditions that may be imposed on a grant, including authorizing the minister to impose additional terms and conditions on a grant;
  - (ii) respecting the manner of calculating the local expenditures of a school division and the school division's revenues and the amount of any grant, including authorizing the minister to determine the manner in which local expenditures and revenue may be calculated; and
  - (iii) prescribing the minimum or maximum amount of any operating grant to be paid pursuant to section 310 to a school division
- (jj) **Repealed.** 1998, c.21, s.126.
- (kk) prescribing any terms and conditions:
  - (i) under which the minister may guarantee a loan pursuant to section 322; or
  - (ii) of a guarantee provided by the minister pursuant to section 322;
- (kk.1) prescribing amounts for the purposes of sections 344, 347 and 355;
- (ll) **Repealed.** 2012, c.10, s.45.
- (mm) respecting any matter pertaining to the governance of fransaskois schools, including the activities of the conseil scolaire or the conseils d'écoles;
- (mm.1) prescribing any terms and conditions for school community councils, including any terms and conditions respecting all or any of the following:
  - (i) the number and types of members;
  - (ii) the election of members;
  - (iii) terms of office of appointed members;
  - (iv) duties and powers;
  - (v) officers;
- (mm.2) prescribing duties for boards of education regarding school community councils;
- (mm.3) governing school reviews pursuant to sections 87.2 to 87.6, including prescribing:
  - (i) any terms and conditions pursuant to which a board of education may carry out a review of a school;
  - (ii) the composition of a school review committee;

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- (iii) the responsibilities and duties of the school review committee;
  - (iv) the terms of office of the members of the school review committee;
  - (v) the criteria to be considered in carrying out a review of a school;
- (mm.4) for the purposes of section 87.8:
- (i) prescribing the criteria, terms and conditions that a school must meet to be designated as a school of opportunity;
  - (ii) prescribing any terms and conditions pursuant to which the minister may make grants to a board of education that is responsible for a school of opportunity;
  - (iii) prescribing the minimum or maximum amount of any grant that the minister may make to a board of education that is responsible for a school of opportunity;
  - (iv) prescribing the criteria to be considered by the minister in reviewing the designation of a school as a school of opportunity;
  - (v) prescribing the criteria, terms and conditions that a school of opportunity must meet to remain open in accordance with subsection 87.8(9);
- (mm.5) with respect to any matter governed by this Act:
- (i) adopting, as amended from time to time or otherwise, all or any part of any code, standard or guideline;
  - (ii) amending for the purposes of this Act or the regulations any code, standard or guideline adopted pursuant to subclause (i);
  - (iii) requiring compliance with a code, standard or guideline adopted pursuant to subclause (i);
- (mm.6) for the purposes of section 163, prescribing matters respecting the school year, including:
- (i) prescribing general school hours of operation, and prescribing acceptable variations of those hours;
  - (ii) prescribing the general schedule of operation for a school year;
  - (iii) prescribing the amount of instructional time required in a school year;
  - (iv) prescribing the type of activities that constitute instructional and non-instructional time;
  - (v) prescribing the minutes in each school day that are to constitute a recess period;
  - (vi) prescribing days as school holidays;
  - (vii) prescribing vacation periods;

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- (viii) prescribing notification requirements pursuant to which a board of education or the conseil scolaire shall notify its employees, trustees, parents and pupils, and the minister in the prescribed circumstances, of various matters respecting the school year;
  - (ix) authorizing the minister to determine any of the matters set out in subclauses (i) to (viii);
  - (nn) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purpose and intent of this Act;
  - (oo) prescribing or governing any other matter or thing required or authorized by this act to be prescribed or governed in the regulations.
- (2) A regulation made pursuant to clause (1)(s) or (ii.2) may be made retroactive to a day not earlier than the first day of the period with respect to which the grant contemplated by the regulation is to be paid.
- (3) **Repealed.** 2009, c.15, s.23.

1995, c.E-0.2, s.370; 1997, c.35, s.23; 1998, c.21, s.126; 1999, c.16, s.14; 2000, c.10, s.18; 2002, c.29, s.3; 2006, c.18, s.32; 2006, c.38, s.9; 2008, c.11, s.13; 2009, c.13, s.45; 2012, c.10, s.45.

PART IX  
**Repeal**

**371 Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.