

1993

## CHAPTER 55

### **An Act to amend *The Education Act***

(Assented to June 22, 1993)

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

#### SHORT TITLE

Short title

1 This Act may be cited as *The Education Amendment Act, 1993*.

#### AMENDMENTS

R.S.S. 1978, c.E-0.1 amended

2 *The Education Act* is amended in the manner set forth in this Act.

Section 2 amended

3 **Section 2 is amended:**

(a) **by repealing clause (b) and substituting the following:**

“(b) ‘attendance area’ means:

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

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

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

(ii) with respect to a francsaskois school operated by a conseil scolaire:

(A) the francophone education area, where the francsaskois school is the only school operated by the conseil scolaire in the francophone education area; or

(B) the portion of the francophone education area in which the francsaskois school is located that is designated by the conseil scolaire as the attendance area for the francsaskois school”;

(b) **by adding the following clauses after clause (g):**

“(g.1) ‘conseil général’ means the Conseil général des écoles francsaskoises established pursuant to section 14.1;

“(g.2) ‘conseil scolaire’ means a Conseil scolaire francsaskois established by an order of the minister pursuant to section 21.8”;

(c) **by repealing clause (k) and substituting the following:**

“(k) ‘director’ means a director of education appointed by:

(i) a board of education;

(ii) a conseil scolaire; or

(iii) the conseil général”;

(d) **by adding the following clauses after clause (p):**

“(p.1) ‘francsaskois school’ means a school that is in a francophone education area and is under the jurisdiction of a conseil scolaire in which:

(i) courses are taught primarily in French;

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

(iii) the French language is used and developed as a first language in instruction and in school activities;

“(p.2) ‘francophone education area’ means a geographic portion of the province that:

(i) is the area under the jurisdiction of a conseil scolaire; and

(ii) is established, within one or more existing school divisions, by an order of the minister pursuant to section 21.8;

“(p.3) ‘French immersion program’ includes any program in a school designated pursuant to

subsection 180(3) and a program designated pursuant to subsection 180(3) but does not include any program that is excluded from this definition by regulation”;

**(e) by repealing clause (r) and substituting the following:**

“(r) **‘guardian’** means:

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

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

(B) a person appointed or recognized in law as a guardian of the child; or  
 (ii) with respect to a child of compulsory school age who attends a francophone school, a person who is not the natural parent of the child and who is appointed or recognized in law as a guardian of the child”;

**(f) by adding “or 231.1” after “section 231” in clause (u);**

**(g) by adding the following clauses after clause (w):**

“(w.1) ‘minority language adult’ means a Canadian citizen who is the full age of 18 years and:

- (i) whose first language learned and still understood is French;
- (ii) who has received his or her primary school instruction in Canada in French, other than through a French immersion program; or
- (iii) who has a child who has received or is receiving primary or secondary school instruction in Canada in French, other than through a French immersion program;

“(w.2) ‘minority language instruction program’ means a program of instruction:

- (i) that is under the jurisdiction of the conseil général; and
- (ii) in which the French language is used and developed as a first language in instruction and in school activities”;

**(h) by striking out “the board of education” in clause (aa) and substituting “a board of education or a conseil scolaire, as the case may be,”;**

**(i) by adding “, of a conseil scolaire,” after “jurisdiction of a board of education” in clause (ff);**

**(j) by striking out “the board of education” in clause (gg) and substituting “a board of education or a conseil scolaire, as the case may be,”;**

**(k) by adding “or a conseil scolaire” after “a board of education” in clause (hh);**

**(l) by adding “or a conseil scolaire, as the case may be,” after “a board of education” in clause (pp);**

**(m) by adding “or a conseil scolaire, as the case may be,” after “a board of education” in clause (qq);**

**(n) by repealing clause (rr) and substituting the following:**

“(rr) ‘trustee’ means a member of:

- (i) a board of trustees;
- (ii) a board of education; or
- (iii) a conseil scolaire;” **and**

**(o) by adding the following clause after clause (ss):**

“(tt) ‘voter’ means a person:

- (i) who is a minority language adult;
- (ii) who is a resident of Saskatchewan whose current period of residency in Saskatchewan has been for not less than six consecutive months;
- (iii) who is a resident on land that is in the francophone education area for which the conseil scolaire is to be elected or for which the business or meeting is to be conducted, whose current period of residency on land that is in the francophone education area has been for not less than three consecutive months;
- (iv) who:

(A) in the case of the first election of a conseil scolaire, has a child who is to be enrolled in a francophone school in the francophone education area for which the conseil scolaire is to be elected:

- (I) in the school year immediately following the election of the conseil scolaire, where the election is held before July 1; or
- (II) in the school year in which the election of the conseil scolaire is held, where the election is held on or after July 1; or

(B) in any case other than the first election of a conseil scolaire, has a child who is enrolled in a francophone school in the francophone education area for which the conseil scolaire is to be elected or for which the business or meeting is to be conducted; and

- (v) who, in the case of any election of a conseil scolaire, is registered in accordance with the regulations”.

Section 9 amended

**4 Section 9 is amended:**

**(a) by adding “, francophone education areas” after “school divisions” in**

clause (a); and

(b) by striking out "and electors" in clause (f) and substituting ", members of conseils scolaires and electors or voters".

Section 10 amended

5(1) Subsection 10(1) is amended:

(a) in clause (b):

(i) by adding "or a conseil scolaire" after "a board of education"; and

(ii) by adding "or the conseil scolaire, as the case may be," after "vested in the board"; and

(b) by adding "or the conseil scolaire, as the case may be," after "board of education" in clause (k).

(2) Subsection 10(2) is amended by adding "or a conseil scolaire" after "a board of education" wherever it occurs.

Section 10.01 amended

6 Clause 10.01(1)(a) is amended:

(a) by adding "conseil scolaire," after "board of education," in subclause (i); and

(b) by repealing subclause (ii) and substituting the following:

"(ii) any matter related to the condition and development of education in:

(A) a school division; or

(B) a francophone education area".

Section 10.31 amended

7 Subsection 10.31(1) is amended by adding "a conseil scolaire," after "a board of education,".

New sections 14.1 to 14.99

8 The following heading and sections are added after section 14:

"CONSEIL GÉNÉRAL

Conseil général established

"14.1(1) The Conseil général des écoles fransaskoises is established as a corporation.

(2) Each conseil scolaire shall, at the first organizational meeting of the conseil scolaire, and in accordance with subsection 79(2), appoint one member of the conseil scolaire as a member of the conseil général.

(3) Every member of a conseil scolaire who is appointed by a conseil scolaire as a member of the conseil général is a member of the conseil général:

(a) at the pleasure of the conseil scolaire by which he or she was appointed; and

(b) until his or her successor is appointed to the conseil général by the conseil scolaire.

(4) The corporation shall have a common seal and shall possess and may exercise all of the powers vested in a corporation by *The Interpretation Act* insofar as they are necessary for carrying out the provisions of this Act.

Organizational meeting of conseil général

"14.11(1) The conseil général shall hold its first organizational meeting within 30 days from the day on which the third member of the conseil général is appointed and shall hold an annual organizational meeting in each subsequent year.

(2) At each organizational meeting, the conseil général shall appoint a président and a vice-président who shall act in the absence of the président.

Other meetings

"14.12 The conseil général shall meet at least four times in each year at those times that may be fixed by resolution of the conseil général and at any other time at the call of the président or any three members of the conseil général.

Notice of meetings

"14.2(1) The conseil général may, at any meeting at which all members are present, decide, by resolution, to hold regular meetings, and the resolution shall state the date, hour and place of every regular meeting and no other notice of those meetings shall be necessary.

(2) All other meetings of the conseil général shall be called by giving at least six clear days' notice to each member by registered mail, certified mail or special delivery, or by delivering a written notice to each member in person at least three days before the meeting, or by leaving the notice with an adult person at each member's place of

residence.

(3) Notwithstanding subsections (1) and (2), the conseil général may, by unanimous consent, waive notice and hold a meeting at any time, and that consent shall be subscribed to in writing by each member of the conseil général prior to the commencement of the meeting and shall be so recorded in the minutes of the meeting.

#### Quorum

"14.21 A majority of the total number of members required to be appointed by the conseils scolaires to the conseil général, at any given time, constitutes a quorum for the purposes of conducting a meeting of the conseil général.

#### Exercise of powers, validity of proceedings

"14.22 Except as otherwise provided in this Act, the conseil général may perform and exercise the duties and powers imposed or conferred on it by this Act either by resolution or bylaw, but no act or proceeding of the conseil général that is adopted at a meeting at which a quorum of the conseil général is not present is valid or binding.

#### Motions

"14.3 All questions shall be submitted to the conseil général on the motion of the président or any other member and no seconder shall be required.

#### Voting

"14.31 At all meetings of the conseil général questions shall be decided by a majority of votes and the président shall have the right to vote, but in the case of an equality of votes the question shall be decided in the negative.

#### Acting président

"14.32 In the absence of the président and the vice-président from the meeting of the conseil général, the members present shall elect one of their number to act as président at the meeting.

#### Meetings open to attendance by public

- "14.4(1) Every meeting of the conseil général shall be open to attendance by the public and no person shall be excluded except for improper conduct.
- (2) Subject to subsection (3), the conseil général may determine, by resolution, that any matter should be dealt with in closed session and, on the making of that resolution, the conseil général may deal, notwithstanding subsection (1), with that matter in closed session.
- (3) The conseil général may conduct a vote on any matter only in a meeting that is open to the public.
- (4) The person presiding at any meeting may cause to be expelled and excluded any person who is considered by the conseil général to be guilty of improper conduct at the meeting.

#### Indemnity for attendance at meetings of conseil général

- "14.41(1) Subject to subsection (3), each member of the conseil général is to be paid any remuneration that may be fixed by the conseil général for attendance at meetings of the conseil général.
- (2) The conseil général 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 conseil général.
- (3) All payments to a member of the conseil général pursuant to this section and section 14.42 shall be made in accordance with the bylaws of the conseil général, that have been approved by the minister, concerning the conditions under which allowances are authorized and the amounts of such allowances.

#### Indemnity for performance of business authorized by conseil général

- "14.42(1) The conseil général may pay to a member:
- (a) a reasonable daily remuneration to be fixed by the conseil général for attending on any business of the conseil général that is entrusted to the member; 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 général that is entrusted to him or her by the conseil général.
- (2) No payment to a member of the conseil général shall be made under this section until the member of the conseil général claiming payment has filed with the secretary or secretary treasurer of the conseil général an itemized account listing the services performed and the distance travelled, and until a resolution has been passed by the conseil général authorizing payment.

Power to designate portion of remuneration as expenses

"14.5 The conseil général may, by resolution, provide that a specified proportion, not exceeding one third, of the total sum paid by the conseil général under this Act to each member of the conseil général in any year for his or her services shall be designated as having been paid in respect of general expenses incurred by the member that were necessary and incidental to the discharge of his or her duties as a member.

Responsibility of members of conseil général for fulfilment of contract

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

Liability of members of conseil général

"14.52 If the conseil général:

(a) wilfully contracts liabilities in the name of the conseil général greater than or other than those provided for or permitted by this Act; or

(b) appropriates any of the moneys of the conseil général for purposes other than those provided for or permitted in this Act;

any two voters of a francophone education area may recover as a debt for the conseil général, in a court of competent jurisdiction, from the members of the conseil général who voted for or sanctioned that illegal action, jointly or severally, the sum for which the conseil général has been rendered liable through the action of those members over and above the amount provided for or permitted by this Act, in addition to the total amount of moneys that have been misappropriated by those members of the conseil général.

Limitation of actions against conseil général for damages

"14.6(1) No action for the recovery of damages shall be commenced against the conseil général after the expiration of one year from the day on which the damages were sustained unless the action is commenced pursuant to an order mentioned in subsection (2).

(2) A person may at any time:

(a) after seven days' notice to the conseil général; and

(b) within one year from the day that is one year from the day on which damages were sustained;

apply to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan for an order authorizing the person to commence an action against the conseil général for the recovery of those damages.

Duties of conseil général

"14.61(1) The conseil général shall:

(a) employ such staff as it considers necessary for the exercise of its powers and the performance of its duties pursuant to this Act, including:

(i) a chief executive officer; and

(ii) a secretary and a treasurer or a secretary treasurer;

(b) prescribe the duties of the chief executive officer of the conseil général, subject to section 14.71, and prescribe the duties of the secretary and the treasurer or secretary treasurer and any other employees of the conseil général;

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

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

(e) inform and consult with the minister, the association, the federation, the League of Educational Administrators, Directors and Superintendents, the Government of Canada and other interested agencies with respect to the needs of francophone schools, with a view to obtaining quality education;

(f) receive proposals for the establishment of a francophone education area anywhere in Saskatchewan and consult, with respect to such proposals, with minority language adults who:

(i) are the parents of children who are 21 years of age or younger; and

(ii) reside in or around the proposed francophone education area;

(g) receive petitions for the establishment of a francophone education area and advise the minister of its approval or rejection of such petitions;

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- (h) receive requests for the provision of minority language instruction programs outside a francophone education area and organize and co-ordinate such programs as the conseil général considers appropriate;
- (i) organize and supervise the first election for a conseil scolaire;
- (j) receive requests for changes in the boundaries of any francophone education area, the name of any francophone education area, the name of any conseil scolaire, and the number of members of any conseil scolaire, approve or reject those requests and forward approved requests to the minister;
- (k) consult with each conseil scolaire from which a request is received for the approval of the conseil général for the conseil scolaire to:
- (i) close a fransaskois school that is the only fransaskois school being operated in the francophone education area under the jurisdiction of the conseil scolaire; or
  - (ii) discontinue one or more grades or years taught in a fransaskois school in the francophone education area under the jurisdiction of the conseil scolaire where those grades or years are not offered in another fransaskois school in the francophone education area;
- (l) after a request mentioned in clause (k) is received by the conseil général and the conseil général has consulted as required by clause (k), approve or refuse to approve the closure or discontinuance;
- (m) facilitate negotiations and make recommendations to the minister, when assets and liabilities are transferred between a school division and a conseil scolaire, with respect to the basis and terms of the settlement and adjustment and the manner in which they shall be given effect;
- (n) appoint, not later than March 1 in each year, one or more persons or an incorporated company or partnership to audit the books and accounts of the conseil général, but no person shall be appointed:
- (i) who is then, or was during the preceding year, a member of the conseil général;
  - (ii) who is then, or was during the preceding year, secretary, treasurer, or secretary treasurer of the conseil général;
  - (iii) who has then, or had during the preceding year, an interest in a contract made by the conseil général; or
  - (iv) who is employed by the conseil général in any capacity except that of auditor;
- (o) procure a corporate seal for the conseil général;
- (p) require that all funds in the control of the conseil général be kept in a chartered bank or a credit union, to be paid out by cheques signed by the treasurer or secretary treasurer and the président of the conseil général, or any other member of the conseil général that may be designated by the conseil général or by the chief executive officer of the conseil général if so directed by the conseil général, but the conseil général may, by resolution, authorize the use of:
- (i) a cheque-signing machine for the purpose of imprinting the signatures of the treasurer or secretary treasurer and the président of the conseil général on cheques, and every cheque on which the signatures of the treasurer or secretary treasurer and the président have, under the authority of a resolution passed under this clause, been imprinted by means of a cheque-signing machine shall be deemed to be signed by the treasurer or secretary treasurer and the président of the conseil général;
  - (ii) a computer payroll system for the payment of salaries, and in that case the issuance of a cheque or order countersigned by the président of the conseil général, or other person authorized to sign on his behalf, in payment of the total amount for salaries shall be deemed to be the issuance of a cheque or order signed by the treasurer or secretary treasurer and the président of the conseil général;
- (q) prepare or cause to be prepared those reports and returns concerning statistical data, budgetary information and reports respecting the operation of the conseil général that may be required from time to time by the minister;
- (r) insure and keep insured the conseil général buildings and the equipment, furnishings and property of the conseil général;
- (s) keep in force a policy of insurance for the purpose of indemnifying:
- (i) the conseil général and its employees in respect of any claim for damages to property or for personal injury or death arising from any program or any activity or service authorized or provided by the conseil général, and the conseil général may, in its discretion, also indemnify parents and citizen volunteers;
  - (ii) the conseil général in respect of any claim for damages arising out of arrangements of the conseil général for the transportation of pupils to and from any fransaskois school or to and from other places for the purpose of engaging in activities authorized by the conseil général;
- (t) subject to clause 14.7(i), operate using the French language;
- (u) carry out any other duties prescribed in the regulations.

(2) Where the conseil général has approved the closure of the only francaskois school that is being operated in a francophone education area under the jurisdiction of a conseil scolaire, the conseil général shall request that the minister disestablish the conseil scolaire and the francophone education area.

#### Powers of conseil général

“14.7 The conseil général may:

- (a) employ or retain the services of such ancillary personnel as may be necessary to administer its affairs;
- (b) engage from time to time in any activities which have been delegated to it by a conseil scolaire;
- (c) recommend changes to the boundaries of a francophone education area under the jurisdiction of a conseil scolaire;
- (d) assist in identifying and evaluating teachers for a conseil scolaire and principals and other personnel required by a conseil scolaire;
- (e) subject to the regulations, assist in the evaluation of programs and courses of instruction which constitute the instructional program of francaskois schools;
- (f) provide special education services to francaskois schools;
- (g) assist in the preparation of budgets for a conseil scolaire;
- (h) determine requirements for reserves and funding needs of francaskois schools and conseils scolaires and establish priorities for financial requirements in consultation with the conseils scolaires and negotiate funding requirements for francaskois schools and conseils scolaires with the minister;
- (i) where it is required in the circumstances, operate using a language other than the French language;
- (j) by resolution, provide for or authorize any actions, procedures or policies that are ancillary to or necessary for the performance of any duty imposed or the exercise of any power conferred on it by this Act.

#### Duties of chief executive officer of conseil général

“14.71(1) The conseil général shall prescribe the powers and duties of the chief executive officer of the conseil général.

(2) In addition to any duties that may be assigned by the conseil général pursuant to subsection (1), the chief executive officer of the conseil général shall:

- (a) exercise general supervision over the affairs of the conseil général;
- (b) prepare and transmit to the department any reports and returns that may, from time to time, be required by the minister;
- (c) exercise general supervision of the work of personnel employed by the conseil général; and
- (d) provide educational leadership and liaison involving the conseil général, the professional staff and the public pertaining to the efficiency and advancement of francophone education.

#### Duties of secretary and treasurer or secretary treasurer

“14.8(1) The conseil général shall prescribe the powers and duties of the secretary and the treasurer or the secretary treasurer, as the case may be.

(2) In addition to any duties that may be assigned by the conseil général pursuant to subsection (1), the secretary or secretary treasurer, as the case may be, shall:

- (a) keep a complete and accurate record of the proceedings of all meetings of the conseil général;
- (b) make available for inspection by any person, during regular office hours of the conseil général, the minutes of the conseil général after they have been adopted by the conseil général;
- (c) make available for inspection those matters designated by resolution of the conseil général in accordance with subsection (4) in the manner and the form prescribed in that resolution;
- (d) 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 documents made available pursuant to clause (b) or (c) at any rate that the conseil général may fix;
- (e) produce, on demand by the conseil général, the chief executive officer of the conseil général, or any other competent authority, all books and papers belonging to the conseil général and, on ceasing to hold office, deliver them to the conseil général or any person designated by the conseil général; and
- (f) make any reports and statements and perform any duties and do any things that he or she is required to do by this Act.

(3) The maximum rate that the conseil général may fix for the purpose of clause (2)(d) is not to exceed the costs incurred by the conseil général in furnishing the copies.

(4) The conseil général shall, by resolution:

- (a) designate those matters, in addition to the minutes of the conseil général mentioned in clause (2)(b), that may be inspected by any person; and
  - (b) authorize the manner and the form in which the matters mentioned in clause (a) may be made available for inspection.
- (5) In addition to any duties that may be assigned to him or her by the conseil général pursuant to subsection (1), the treasurer or secretary treasurer, as the case may be, shall:
- (a) receive all moneys payable to the conseil général and disburse them in the manner directed by the conseil général;
  - (b) pay all accounts payable by the conseil général when authorized for payment by a resolution of the conseil général and when certified by the président of the conseil général or by some person other than the président who is authorized by a resolution of the conseil général to certify accounts for payment;
  - (c) keep a complete and detailed record of all the financial transactions of the conseil général;
  - (d) give and take receipts for moneys received or disbursed and keep on file all vouchers of expenditures;
  - (e) close and balance the books of record of the conseil général on December 31 in each year;
  - (f) produce, on demand by the conseil général, the chief executive officer of the conseil général or any other competent authority, all books, vouchers, papers and money belonging to the conseil général and, on ceasing to hold office, deliver them to the conseil général or any person designated by the conseil général;
  - (g) make any reports and statements and perform any duties and do any things that he or she is required to do by this Act;
  - (h) prepare and transmit to the minister, at those times and in that form that the minister may require, a statement approved by the conseil général of the estimated revenues and expenditures of the conseil général for the year and shall prepare and transmit to the minister any other statements and any reports and information with respect to the conseil général that may be required by the minister.

#### Committees appointed by the conseil général

- “14.81(1) The conseil général may appoint, by resolution, any standing committees or special committees consisting of one or more members of the conseil général.
- (2) The conseil général 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 général considers appropriate;
  - (b) any of the duties and powers imposed or conferred by this Act on the conseil général, other than those mentioned in clauses 14.61(1)(g), (j), (k) or (l).
- (3) Subject to subsection (5), where the conseil général has delegated any matter to a committee appointed pursuant to subsection (1), the committee:
- (a) may exercise the powers of the conseil général conferred by this Act; and
  - (b) shall perform the duties of the conseil général imposed by this Act, in the same manner and to the same extent as the conseil général, and the exercise of powers and the performance of duties by the committee are deemed to be the exercise of powers and the performance of duties by the conseil général.
- (4) Every committee appointed pursuant to subsection (1) shall give a report respecting its proceedings and decisions to the conseil général:
- (a) in the time;
  - (b) in the manner; and
  - (c) containing the information;
- required by the conseil général.
- (5) No report, order or decision made pursuant to subsection (4) by a committee appointed pursuant to subsection (1) comes into force until it is adopted by the conseil général at a regular or special meeting.

#### Improper retention of property of conseil général

“14.9 Any officer, employee or member of the conseil général who, after ceasing to hold office, retains any money, book, paper or thing belonging to the conseil général 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 money, book, paper or thing after having received notice in writing from the président of the conseil général or from the minister requiring him or her to deposit it in the hands of a person mentioned in the notice”.

#### Heading preceding section 18 amended

**9 The heading preceding section 18 is amended by adding “AND CONSEILS SCOLAIRES AND**

FRANCOPHONE EDUCATION AREAS" after "SCHOOL DIVISIONS".

New sections 21.1 to 21.9

**10 The following sections are added after section 21:**

Proposals before conseil général established

"21.1 Where no members or less than three members are appointed to the conseil général and ten or more minority language adults who are each the parent of one or more children 21 years of age or younger propose to establish a francophone education area and a conseil scolaire, the minority language adults shall:

- (a) cause a notice of their intention and, as far as is possible, a description of the proposed francophone education area, to be published in the French or English language in at least one issue of a newspaper which has general circulation:
  - (i) among minority language adults in Saskatchewan; and
  - (ii) in the area proposed to become a francophone education area; and
- (b) no less than eight days after the notice mentioned in clause (a) is published, submit to the minister a proposal, in the prescribed form, to establish a conseil scolaire and a francophone education area.

Proposal for conseil scolaire and francophone education area

"21.2(1) Where two or more minority language adults who are each the parent of one or more children 21 years of age or younger propose to establish a francophone education area and a conseil scolaire, the minority language adults shall:

- (a) cause a notice of their intention and, as far as is possible, a description of the proposed francophone education area, to be published in the French or English language in at least one issue of a newspaper which has general circulation:
    - (i) among minority language adults in Saskatchewan; and
    - (ii) in the area proposed to become a francophone education area; and
  - (b) no less than eight days after the notice mentioned in clause (a) is published, submit to the conseil général, a proposal, in the prescribed form, to establish a conseil scolaire and a francophone education area.
- (2) On and after a date fixed by the minister, a proposal mentioned in subsection (1) is to be submitted to the conseil général no later than December 15 in the school year preceding the school year in which the proposed conseil scolaire and francophone education area are proposed to be established.

Approval or rejection of proposal by minister

"21.3(1) On receipt of a proposal pursuant to section 21.1, the minister shall, for the purpose of evaluating the proposal, consult with the minority language adults who submitted the proposal.

- (2) After consulting with the minority language adults, the minister:
- (a) shall evaluate the proposal, giving consideration to the factors mentioned in subsection (3); and
  - (b) shall, within 30 days from the day on which the minister received the proposal, give written notice, in the manner prescribed in the regulations, to the minority language adults that the minister:
    - (i) approves the proposal as submitted;
    - (ii) approves the proposal:
      - (A) with changes identified by the minister; and
      - (B) where the minister considers it appropriate, on the condition that the approved proposal with the changes identified by the minister be published in accordance with the procedure set out in clause 21.1(a) for the publication of a notice of intention; or
    - (iii) rejects the proposal.
- (3) When evaluating a proposal pursuant to subsection (2), the minister shall consider:
- (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 already meet the needs of the students;
  - (c) whether the proposed francophone education area is appropriate;
  - (d) whether there is a demand for francophone education in the proposed francophone education area;
  - (e) whether there is an indicated interest among minority language adults who would take advantage of the service;
  - (f) whether the distances over which the students would be required to be transported are reasonable;
  - (g) whether physical facilities may be made available; and
  - (h) whether the cost of the contemplated services is reasonable.

## Petition where proposal approved by minister

- "21.4(1) Where the minister approves a proposal mentioned in section 21.3, the minority language adults may, within 30 days from the day on which the minister approved the proposal, submit a petition, in the prescribed form, to the minister to establish a conseil scolaire and a francophone education area.
- (2) On receipt of a petition mentioned in subsection (1), the minister shall approve the petition where:
- (a) the petition is in the prescribed form; and
  - (b) the minister is of the opinion that:
    - (i) the content of the petition is consistent with the content of the proposal mentioned in subsection (1); and
    - (ii) there have been no significant changes in circumstances since the approval by the minister of the proposal mentioned in subsection (1).
- (3) The minister shall, within 30 days from the day on which the minister receives a petition pursuant to subsection (1), give written notice, in the manner prescribed in the regulations, to the minority language adults of the minister's approval or rejection of the petition.

## Approval or rejection of proposal by conseil général

- "21.5(1) On receipt of a proposal pursuant to section 21.2, the conseil général shall, for the purpose of evaluating the proposal, consult with the minority language adults who submitted the proposal.
- (2) After consulting with the minority language adults, the conseil général shall evaluate the proposal, giving consideration to the factors mentioned in subsection (3) and give written notice, in the manner prescribed in the regulations, to the minority language adults and to the minister, that the conseil général:
- (a) approves the proposal as submitted;
  - (b) approves the proposal:
    - (i) with changes identified by the conseil général; and
    - (ii) where the conseil général considers it appropriate, on the condition that the approved proposal with the changes identified by the conseil général be published in accordance with the procedure set out in clause 21.2(1)(a) for the publication of a notice of intention; or
  - (c) rejects the proposal.
- (3) When evaluating a proposal pursuant to subsection (2), the conseil général shall consider:
- (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 already meet the needs of the students;
  - (c) whether the proposed francophone education area is appropriate;
  - (d) whether there is a demand for francophone education in the proposed francophone education area;
  - (e) whether there is an indicated interest among minority language adults who would take advantage of the service;
  - (f) whether the distances over which the students would be required to be transported are reasonable;
  - (g) whether physical facilities may be made available;
  - (h) whether the cost of the contemplated services is reasonable; and
  - (i) whether there is any reason, based on any factor or consideration that the conseil général deems appropriate, not to establish a conseil scolaire and a francophone education area.

## Petition where proposal approved by conseil général

- "21.6(1) Where the conseil général approves a proposal mentioned in section 21.5, the minority language adults may, within one year from the day on which the conseil général approved the proposal, submit a petition, in the prescribed form, to the conseil général to establish a conseil scolaire and a francophone education area.
- (2) On receipt of a petition mentioned in subsection (1), the conseil général shall approve the petition where:
- (a) the petition is in the prescribed form; and
  - (b) the conseil général is of the opinion that:
    - (i) the content of the petition is consistent with the content of the proposal mentioned in subsection (1); and
    - (ii) there have been no significant changes in circumstances since the approval by the conseil général of the proposal mentioned in subsection (1).
- (3) The conseil général shall, in the manner prescribed in the regulations, give written notice to the minority language adults of the conseil général's approval or rejection of a petition submitted pursuant to subsection (1).

## Approved petition forwarded to minister

"21.7(1) Where the conseil général approves a petition mentioned in section 21.6, the conseil général shall forward the petition and the conseil général's written approval of the petition to the minister.

(2) On and after a date fixed by the minister, a petition forwarded to the minister pursuant to subsection (1) must be received by the minister no later than February 15 in the school year preceding the school year in which the proposed conseil scolaire and francophone education area are to be established.

## Conseil scolaire and fransaskois school established by minister's order

"21.8(1) On receipt of a petition and the conseil général's approval of the petition pursuant to section 21.7, the minister shall, within 30 days after the receipt of the petition, by order, establish the francophone education area and the Conseil scolaire fransaskois proposed in the petition.

(2) Where the minister has approved a petition pursuant to section 21.4, the minister shall, within 30 days after the day on which the minister approved the petition, establish, by order, the francophone education area and the Conseil scolaire fransaskois proposed in the petition.

## Contents of minister's order

"21.9(1) Every minister's order made pursuant to section 21.8 must:(a) be published in the Gazette;

(b) state the day on which the conseil scolaire and the francophone education area are established;

(c) state the number of persons who shall constitute the conseil scolaire;

(d) define the boundaries of the francophone education area under the jurisdiction of the conseil scolaire;

(e) make provision for the vesting of assets and liabilities;

(f) subject to the other provisions of this Act and the regulations, provide for the holding of the first election of the members of the conseil scolaire and for all matters necessary and incidental to the holding of the election including:

(i) the designation of the last date for the receipt of nominations;

(ii) the designation of a person to act as returning officer; and

(iii) the designation of the day on which the members elected shall assume office.

(2) The first election of a conseil scolaire shall be held on the twenty-first day after the last date for the receipt of nominations designated in a minister's order pursuant to subclause (1)(f)(i).

(3) The term of office of members elected in an election held in accordance with procedures provided in a minister's order pursuant to clause (1)(f) expires on the day of the first meeting of the conseil scolaire elected at the next general election held after the day on which those members assumed office".

## New section 28.1

**11 The following section is added after section 28:**

## Changing boundaries for francophone education area

"28.1(1) A conseil scolaire or one or more minority language adults may, by a written request forwarded to the conseil général, request a change of the boundaries of a francophone education area.

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

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

(4) On receipt of a request forwarded to the minister by the conseil général pursuant to subsection (3), the minister shall, by order published in the Gazette, change the boundaries of a francophone education area as requested".

## New section 29.1

**12 The following section is added after section 29:**

## Change of name or number

"29.1(1) A conseil scolaire or one or more minority language adults may, by a written request forwarded to the conseil général, request a change of:

(a) the name assigned to a francophone education area;

(b) the name assigned to a conseil scolaire; or

(c) the number of persons required to constitute a conseil scolaire.

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

- (3) Every request approved by the conseil général pursuant to subsection (2) shall be forwarded by the conseil général to the minister together with the written approval of the conseil général.
- (4) On receipt of a request forwarded to the minister by the conseil général pursuant to subsection (3), the minister shall, by order published in the Gazette, make the change requested.
- (5) Where the name of a francophone education area or a conseil scolaire is changed, the seal previously used by the conseil scolaire affected shall continue to be the seal of the conseil scolaire until changed by the conseil scolaire.
- (6) No change of name of a francophone education area or a conseil scolaire made in accordance with this section shall affect any obligation, right, action or property incurred, established, done or acquired prior to the change”.

Section 31 amended

**13 Section 31 is amended:**

**(a) by adding the following subsection after subsection (1):**

“(1.1) On receipt of a request from the conseil général pursuant to subsection 14.61(2), the minister shall, within 30 days after the receipt of the request, by order published in the Gazette, declare that the conseil scolaire and the francophone education area shall be disestablished on or after a day specified in the order”; **and**

**(b) in subsection (3):**

**(i) by adding “or a conseil scolaire” after “school division”; and**

**(ii) by adding “or the conseil scolaire, as the case may be,” after “the division” wherever it occurs.**

Heading preceding section 32 amended

**14 The heading preceding section 32 is amended by adding “AND CONSEILS SCOLAIRES” after “BOARDS OF EDUCATION”.**

New section 32.1

**15 The following section is added after section 32:**

Conseil scolaire for francophone education area

“32.1 For each francophone education area, there shall be a conseil scolaire consisting of no fewer than five and no more than ten members as specified in the minister's order made pursuant to section 21.8 or in a subsequent amending order”.

New sections 33.1 to 33.4

**16 The following sections are added after section 33:**

Election of conseil scolaire

“33.1 Except as provided in sections 33.2 and 33.3, the election of members of a conseil scolaire and all proceedings preliminary and subsequent to that election are to be conducted in accordance with the regulations.

Requirements for candidates for conseil scolaire

“33.2(1) Subject to subsections (2) to (4), no person may be nominated as a candidate for election as a member of a conseil scolaire or hold office as a member of a conseil scolaire unless that person:

(a) is a minority language adult;

(b) is a resident of Saskatchewan whose current period of residency in Saskatchewan will, on the day of the election, have been for not less than six consecutive months; and

(c) is a resident on land that is in the francophone education area under the jurisdiction of the conseil scolaire to which the person seeks election as a member or on which the person holds office as a member, whose current period of residency on land that is in the francophone education area, will, on the day of the election, have been for not less than three consecutive months.

(2) No person may be nominated as a candidate for election as a member of a conseil scolaire in the first election of the conseil scolaire in a francophone education area unless that person:

(a) is a minority language adult;

(b) is a resident of Saskatchewan whose current period of residency in Saskatchewan will, on the day of the election, have been for not less than six consecutive months;

(c) is a resident on land that is in the francophone education area under the jurisdiction of the conseil scolaire to which the person seeks election as a member, whose current period of residency on land that is in the francophone education area, will, on the day of the election, have been for not less than three consecutive months; and

(d) has a child who is to be enrolled in a francophone school in the francophone education area under the jurisdiction of the conseil scolaire to which the person seeks election as a member:

- (i) in the school year immediately following the election of the conseil scolaire, where the election is held before July 1; or
- (ii) in the school year in which the election of the conseil scolaire is held, where the election is held on or after July 1.

(3) No person who is employed by a conseil scolaire may be nominated as a candidate for election as a member of that conseil scolaire.

(4) No person who is employed by the conseil général may be nominated as a candidate for election as a member of a conseil scolaire.

Voters may also be registered as electors

"33.3(1) Subject to subsection (2), a voter is entitled to be registered as an elector of the school division in which the voter resides.

(2) A voter is not entitled to be registered as an elector for purposes of the election of a board of trustees pursuant to section 127.

Conseil scolaire a corporation

"33.4(1) The members of each conseil scolaire shall be a corporation called le Conseil scolaire francophone de [name of conseil scolaire used in minister's order made pursuant to section 21.8].

(2) The corporation shall have a common seal and shall possess and may exercise all of the powers vested in a corporation by *The Interpretation Act* insofar as they are necessary for carrying out the provisions of this Act".

Section 34 amended

17 **Section 34 is amended:**

- (a) by adding "or a conseil scolaire" after "board of education" in the portion that precedes clause (a);**
- (b) by adding "or the conseil scolaire, as the case may be," after "board" wherever it occurs in clause (c);**
- (c) by striking out "or" after clause (c);**
- (d) by repealing clause (d) and substituting the following:**

"(d) ceases to be eligible for election as a member:

- (i) pursuant to *The Local Government Election Act*, in the case of a member of a board of education; or
- (ii) pursuant to this Act, in the case of a member of a conseil scolaire; or

"(e) qualified as a candidate for election to the conseil scolaire pursuant to subsection 33.2(2) and:

- (i) ceases to be a resident on land that is in the francophone education area under the jurisdiction of the conseil scolaire to which the person was elected as a member; or
- (ii) fails to enrol one of his children in a francophone school in the francophone education area under the jurisdiction of the conseil scolaire to which the person was elected as a member:
  - (A) in the school year immediately following the election of the conseil scolaire, where the election was held before July 1; or
  - (B) in the school year in which the election of the conseil scolaire was held, where the election was held on or after July 1"; **and**

**(e) by adding "or the conseil scolaire, as the case may be," after "board" in the portion that follows clause (e).**

Section 35 amended

18(1) **Subsection 35(1) is amended:**

- (a) by adding "or a conseil scolaire" after "board of education" in the portion that precedes clause (a); and**
- (b) by adding "or the conseil scolaire" after "the board of education" in the portion that follows clause (d).**

(2) **Subsection 35(2) is amended:**

- (a) by adding "or a conseil scolaire" after "a board of education"; in the portion that precedes clause (a) and**
- (b) by adding "or the conseil scolaire, as the case may be," after "the board" in clause (b).**

(3) **Subsection 35(3) is amended:**

- (a) **by adding "or a conseil scolaire" after "a board of education" in the portion that precedes clause (a); and**
- (b) **by adding "or the conseil scolaire, as the case may be," after "board" wherever it occurs in clause (b); and**
- (c) **by adding "or the conseil scolaire, as the case may be" after "board" in clause (c); and**
- (d) **by adding "or the conseil scolaire, as the case may be," after "board":**
  - (i) **in clause (d); and**
  - (ii) **wherever it occurs in clause (f).**

**(4) Subsection 35(4) is repealed and the following substituted:**

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

- (a) the goods and services are not readily obtainable from some other person in:
  - (i) the school division; or
  - (ii) the francophone education area;
- (b) the price of goods and services to be obtained is reasonable; and
- (c) every member of the board or the conseil scolaire present and eligible to vote at a meeting of the board or the conseil scolaire votes in favour of the contract".

Section 36 amended

**19(1) Subsection 36(1) is amended:**

- (a) **by repealing the portion that precedes clause (a) and substituting the following:**

"Where it appears from the affidavits of any five or more electors in a school division or any five or more voters in a francophone education area that a member of the board of education of that school division or the conseil scolaire for that francophone education area, as the case may be:"

- (b) **by adding "or the conseil scolaire, as the case may be" after "the board" in clause (d); and**
- (c) **by adding "those electors or voters, as the case may be, may" before "apply *ex parte*" in the portion that follows clause (d) and precedes clause (e);**
- (d) **by adding "or the conseil scolaire" after "the board" in clause (e).**

**(2) Subsection 36(2) is amended by adding "or the conseil scolaire" after "the board of education".**

**(3) Subsection 36(4) is amended by adding "or any conseil scolaire" after "any board of education".**

Section 78 amended

**20(1) Subsection 78(1) is amended by:**

- (a) **adding "or a conseil scolaire" after "a board of education"; and**
- (b) **adding "or the conseil scolaire" after "the board".**

**(2) Subsection 78(3) is amended by:**

- (a) **adding "or a conseil scolaire" after "a board of education";**
- (b) **adding "or the conseil scolaire" after "secretary of the division"; and**
- (c) **adding "or the conseil scolaire" after "the board".**

Heading preceding section 79 amended

**21 The heading preceding section 79 is amended by adding "AND CONSEILS SCOLAIRES" after "EDUCATION".**

Section 79 amended

**22 Section 79 is amended:**

- (a) **by renumbering it as subsection (1); and**
- (b) **by adding the following subsection after subsection (1):**

"(2) A conseil scolaire shall hold an organizational meeting:

- (a) in the case of a newly established conseil scolaire, no later than seven days from the day designated in the minister's order issued pursuant to section 21.8 as the day on which the members of the conseil scolaire shall assume office; and
- (b) in every year subsequent to the year in which a conseil scolaire is established, not later than November 30;

and at each such meeting shall appoint one member of the conseil scolaire as a member of the conseil général and

shall appoint a président of the conseil scolaire and a vice-président who shall act in the absence, death, resignation or disability of the président”.

Section 80 amended

**23 Section 80 is repealed and the following substituted:**

Other meetings

“80(1) A board of education shall meet at least six times in each year at such times as may be fixed by a resolution of the board and at any other time at the call of the chairman or any three members of the board.

(2) A conseil scolaire shall meet at least six times in each year at such times as may be 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”.

Section 81 amended

**24(1) Subsection 81(1) is amended by adding “or a conseil scolaire” after “A board of education”.**

**(2) Subsection 81(2) is amended by adding “or the conseil scolaire” after “the board of education”.**

**(3) Subsection 81(3) is amended:**

**(a) by adding “or the conseil scolaire” after “the board of education”; and**

**(b) by adding “or the conseil scolaire” after “member of the board”.**

Section 82 amended

**25 Section 82 is repealed and the following substituted:**

Quorum

“82(1) A majority of the members of a board of education shall constitute a quorum for the purpose of conducting a meeting of the board.

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

Section 83 amended

**26 Section 83 is repealed and the following substituted:**

Exercise of powers, validity of proceedings

“83 Except as otherwise provided in this Act, every board of education and every conseil scolaire may perform the duties imposed and exercise the powers conferred on it by this Act, either by resolution or bylaw, but:

(a) no act or proceeding of a board or a conseil scolaire that is adopted at a meeting at which a quorum of the board or conseil scolaire is not present shall be valid or binding; and

(b) where the number of members of:

(i) a board of education has been reduced to less than a quorum, no business of the division shall be transacted by the remaining members until the vacancies have been filled pursuant to *The Local Government Election Act, 1978*;

(ii) a 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 the regulations”.

Section 84 amended

**27 Section 84 is amended:**

**(a) by renumbering it as subsection (1); and**

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

“(2) All questions shall be submitted to a conseil scolaire on the motion of the président or any other member and no seconder shall be required”.

Section 85 amended

**28 Section 85 is amended:**

**(a) by renumbering it as subsection (1); and**

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

“(2) At all meetings of a conseil scolaire questions shall be decided by a majority of votes and the président shall have the right to vote, but in the case of an equality of votes the question shall be decided in the negative”.

## Section 86 amended

29 **Section 86 is amended:**

(a) **by renumbering it as subsection (1); and**

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

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

## Section 87 amended

30(1) **Subsection 87(1) is amended by adding “or a conseil scolaire” after “a board of education”.**

(2) **Subsection 87(1.1) is amended:**

(a) **by adding “or a conseil scolaire” after “board of education”; and**

(b) **by adding “or the conseil scolaire” after “the board”.**

(3) **Subsection 87(1.2) is amended by adding “or a conseil scolaire” after “A board”.**

(4) **Subsection 87(2) is amended by adding “or the conseil scolaire” after “the board of education”.**

## Section 88 amended

31 **Section 88 is amended:**

(a) **by adding the following subsection after subsection (1.1):**

“(1.2) Subject to subsection (3), each member of a conseil scolaire is to be paid any remuneration that may be fixed by the conseil scolaire for attendance at meetings of the conseil scolaire”; **and**

(b) **by repealing subsections (2) and (3) and substituting the following:**

“(2) 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, as the case may be.

“(3) All payments to a member of a board of education or a conseil scolaire pursuant to this section and section 89 shall be made in accordance with the bylaws of the board of education or the conseil scolaire concerning the conditions under which allowances are authorized and the amounts of such allowances”.

## Section 89 amended

32(1) **Subsection 89(1) is repealed and the following substituted:**

“(1) A board of education, joint board, or conseil scolaire may pay to a member of the board of education, joint board, or conseil scolaire, as the case may be:

(a) a reasonable daily remuneration to be fixed by:

(i) the board of education or the joint board, as the case may be, for attending on any business of the school division that is entrusted to the member by the board of education or the joint board, as the case may be; or

(ii) the conseil scolaire for attending on any business of the conseil scolaire that is entrusted to the member by the conseil scolaire; 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 or conseil scolaire, as the case may be, that is entrusted to the member by the board of education, joint board or conseil scolaire, as the case may be”.

(2) **The following subsection is added after subsection 89(3):**

“(4) No payment to a member of a conseil scolaire shall be made under this section until the member of the conseil scolaire claiming payment has filed with the secretary or secretary treasurer of the conseil scolaire an itemized account listing the services performed and the distance travelled, and until a resolution has been passed by the conseil scolaire authorizing payment”.

## Section 90 amended

33 **Section 90 is amended:**

(a) **by renumbering it as subsection (1); and**

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

“(2) A conseil scolaire may, by resolution, provide that a specified proportion, not exceeding one-third, of the total sum paid by the conseil scolaire under this Act to each member of the conseil scolaire in any year for his or her services shall be designated as having been paid in respect of general expenses incurred by the member that were

necessary and incidental to the discharge of his or her duties as a member”.

Heading preceding section 91 amended

**34 The heading preceding section 91 is amended by adding “AND CONSEILS SCOLAIRES” after “DUTIES AND POWERS OF BOARDS OF EDUCATION”.**

Section 91 amended

**35 Section 91 is amended by striking out the portion that precedes clause (a) and substituting the following:** “Subject to the duties of a conseil scolaire with respect to a francophone education area governed by the conseil scolaire and any fransaskois school within the francophone education area, a board of education shall:”.

New section 91.1

**36 The following section is added after section 91:**

Duties of conseil scolaire

**“91.1 With respect to the francophone education area and any fransaskois schools under its jurisdiction, a conseil scolaire shall:**

- (a) administer and manage the educational affairs of the francophone education area in accordance with the intent of this Act and the regulations;
- (b) exercise general supervision and control over the fransaskois schools in the francophone education area and make such bylaws with respect to fransaskois school management as may be considered necessary for effective and efficient operation of the fransaskois schools;
- (c) subject to the other provisions of this Act, approve administrative procedures pertaining to the internal organization, management and supervision of the fransaskois schools, but educational supervision authorized by the conseil scolaire shall be 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 of the fransaskois schools in the francophone education area;
- (e) appoint and employ under written contract duly qualified teachers for the fransaskois schools of the francophone education area, and such principals and other assistants as the conseil scolaire considers necessary;
- (f) prescribe, subject to sections 155 to 163, the age and time at which pupils may be admitted to kindergarten and grade 1 in any fransaskois school in the francophone education area;
- (g) determine what 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 what classrooms and fransaskois schools shall be maintained in operation in the francophone education area;
- (i) determine and define the boundaries of the attendance areas in the francophone education area and make such amendments to such boundaries as may be considered necessary;
- (j) subject to the regulations, authorize and approve the courses of instruction which shall constitute the instructional program of each fransaskois school in the francophone education area;
- (k) subject to the regulations, furnish transportation services to pupils to and from any fransaskois school that may be considered by the conseil scolaire to be necessary to insure access of pupils to, and regularity of attendance in, the fransaskois schools of the francophone education area;
- (l) subject to section 169, provide, at the cost of the conseil scolaire and at reasonable convenience to the pupils, programs of instruction to every pupil:
  - (i) who is entitled to receive those programs pursuant to section 144.01; and
  - (ii) whose parent or guardian chooses to have the pupil attend a fransaskois school in the francophone education area;
- (m) prescribe, subject to sections 155 to 163, procedures for the administration of the provisions of this Act with respect to regular school attendance by pupils;
- (n) suspend or expel pupils for cause, subject to sections 153 and 154;
- (o) determine the location of, and make provision for, a head office of the conseil scolaire;
- (p) employ such staff as is considered necessary for the efficient management and execution of the policies, programs and business of the conseil scolaire;

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- (q) keep a full and accurate record of the proceedings, transactions and financial affairs of the conseil scolaire;
- (r) appoint, not later than March 1 in each year, one or more persons or an incorporated company or partnership to audit the books and accounts of the conseil scolaire, but no person shall be appointed:
- (i) who is then, or was during the preceding year, a member of the conseil scolaire;
  - (ii) who is then, or was during the preceding year, secretary, treasurer or secretary treasurer of the conseil scolaire;
  - (iii) who has then, or had during the preceding year, an interest in a contract made by the conseil scolaire; or
  - (iv) who is employed by the conseil scolaire in any capacity except that of auditor;
- (s) procure a corporate seal for the conseil scolaire;
- (t) require that all funds in the control of the conseil scolaire be kept in a chartered bank or a credit union, to be paid out by cheques signed by the treasurer or secretary treasurer and the président of the conseil scolaire or such other member of the conseil scolaire as may be designated by the conseil scolaire or by the chief executive officer of the conseil scolaire if so directed by the conseil scolaire, but the conseil scolaire may, by resolution, authorize the use of:
- (i) a cheque-signing machine for the purpose of imprinting the signatures of the treasurer or secretary treasurer and the président of the conseil scolaire on cheques other than cheques drawn on an account established by the conseil scolaire for funds obtained for any purpose for which the conseil scolaire may borrow money for capital expenditures pursuant to section 315 and, except in the case of a cheque drawn on such an account, every cheque on which the signatures of the treasurer or secretary treasurer and the président have, under the authority of a resolution passed under this clause, been imprinted by means of a cheque-signing machine shall be deemed to be signed by the treasurer or secretary treasurer and the président of the conseil scolaire;
  - (ii) a computer payroll system for the payment of salaries, and in that case the issuance of a cheque or order countersigned by the président of the conseil scolaire, or other person authorized to sign on his behalf, in payment of the total amount for salaries shall be deemed to be the issuance of a cheque or order signed by the treasurer or secretary treasurer and the président of the conseil scolaire;
- (u) prepare or cause to be prepared such reports and returns concerning statistical data, budgetary information and reports respecting the operation of fransaskois schools as may be required from time to time by the minister;
- (v) 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 such accommodation;
- (w) 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;
- (x) enter into written contracts of employment with teachers and other personnel required for the administration of the services of the conseil scolaire and terminate such contracts for cause in accordance with the provisions of this Act;
- (y) participate in programs approved by the minister for the education and training of teachers;
- (z) subject to the regulations, furnish pupils with textbook services at the cost of the conseil scolaire;
- (aa) insure and keep insured the fransaskois school buildings and the equipment, furnishings and property of the conseil scolaire;
- (bb) keep in force a policy of insurance for the purpose of indemnifying:
- (i) the conseil scolaire and its employees in respect of 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 228, and the conseil scolaire may, in its discretion, also indemnify parents and citizen volunteers;
  - (ii) the conseil scolaire and teachers employed by the conseil scolaire in respect of any claim for damages arising from the performance of duties and functions of teachers under this Act that are required or approved by the conseil scolaire;
  - (iii) the conseil scolaire in respect of any claim for damages arising out of arrangements of the conseil scolaire for the transportation of pupils to and from any fransaskois school or to and from other places for the purpose of engaging in activities authorized by the conseil scolaire;
- (cc) make payments to the conseil général in accordance with the regulations and in the amounts prescribed

by the regulations;  
(dd) subject to clause 92.1(1)(h), operate using the French language”.

Section 92 amended

**37 Subsection 92(1) is amended:**

**(a) by striking out the portion that precedes clause (a) and substituting the following:**

“Subject to the powers of a conseil scolaire with respect to a francophone education area governed by the conseil scolaire and any fransaskois school within the francophone education area, a board of education may:”;

**(b) in clause (b), by adding the following subclauses after subclause (b)(i):**

“(i.1) one or more conseils scolaires;

“(i.2) the conseil général”;

**(c) by adding “or with conseils scolaires” after “other boards of education” in clause (c);**

**(d) by adding “, conseils scolaires” after “boards of education of other divisions” in clause (v).**

New section 92.1

**38(1) The following section is added after section 92:**

Powers of conseil scolaire

“92.1(1) A conseil scolaire may:

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

(b) for any purpose considered necessary and advantageous to the quality and efficiency of educational and related services available to the pupils of the francophone education area under the jurisdiction of the conseil scolaire, enter into agreements with:

(i) one or more other conseils scolaires;

(ii) one or more boards of education;

(iii) the conseil général;

(iv) municipalities;

(v) specialized institutions;

(vi) universities;

(vii) departments of the Government of Saskatchewan;

(viii) governments of other provinces of Canada or agencies thereof;

(ix) the Government of Canada or an agency thereof;

(c) enter into agreements with other conseils scolaires or with boards of education for the purpose of providing and administering jointly any service of mutual benefit and convenience;

(d) furnish educational supplies and food services at a nominal cost to pupils or, where considered advisable, at the cost of the conseil scolaire;

(e) subject to the regulations, approve textbooks, reference books and library materials for use in the fransaskois schools in the francophone education area under the jurisdiction of the conseil scolaire;

(f) approve of and provide for the membership in any provincial or national educational association by any secretary, treasurer, secretary treasurer or other officer of the conseil scolaire, and provide for attendance at the meetings of those associations;

(g) acquire by gift, devise or bequest real or personal property of any kind on behalf of the conseil scolaire, for the purposes of the conseil scolaire, subject to the terms, if any, of such gift, devise or bequest and, notwithstanding any other provision of this Act, shall dispose of any real or personal property so acquired in accordance with any such terms;

(h) where it is required in the circumstances, operate using a language other than the French language;

(i) invest surplus funds of the conseil scolaire in:

(i) bonds or other securities of the Government of Saskatchewan or the Government of Canada;

(ii) debentures of a division or of a municipal corporation in Saskatchewan;

(iii) debentures issued under *The Union Hospital Act*;

(iv) guaranteed short-term investments through a chartered bank or a credit union; or

(v) guaranteed short-term investments through a trust company in accordance with the regulations; and call in, sell, assign or transfer such investments and reinvest the proceeds in similar investments or exchange the investments for others of a similar nature;

- (j) subject to section 350 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;
- (k) become a member of a co-operative association or a credit union by the purchase of one or more shares or otherwise, or hold additional shares of which it becomes the owner by application of the dividends;
- (l) provide for such meetings, seminars, workshops and conventions of members of the conseil scolaire, voters and teachers as may be considered advisable for the purposes of educational planning and development in the francophone education area;
- (m) grant leave of absence to teachers and other employees of the conseil scolaire;
- (n) provide scholarships, bursaries or similar awards for the purpose of the attendance of teachers and pupils at post-secondary institutions;
- (o) 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;
- (p) 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;
- (q) pay, for membership in an association of trustees organized in the province, the appropriate sum set forth 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 the minister, the last schedule of fees approved by the minister shall continue to apply;
- (r) provide for the collection from any or all of the pupils of a reasonable sum for the purposes of recovery of inadvertent or accidental damage or loss of francsaskois school property resulting from acts of the pupils which are not necessarily attributable to wilful neglect or disregard for francsaskois school property, and for the purposes of fees or dues with respect to student organizations and related activities approved by the francsaskois school;
- (s) where it is considered advisable and expedient by the conseil scolaire to provide certain instructional services at schools or institutions outside the francophone education area, enter into agreements with boards of education of other divisions, conseils scolaires of other francophone education areas or the governing bodies of any agencies or institutions approved by the department to furnish the desired services;
- (t) 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, or in lieu, of the cost of transportation;
- (u) at the request of the conseil général, operate a minority language instruction program outside the francophone education area under the jurisdiction of the conseil scolaire;
- (v) 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 upon it by this Act.
- (2) Subject to subsection (3), a conseil scolaire may:
- close a francsaskois school; or
  - discontinue one or more grades or years taught in a francsaskois school.
- (3) No conseil scolaire shall:
- close a francsaskois school that is the only francsaskois school being operated in the francophone education area under the jurisdiction of the conseil scolaire; or
  - discontinue one or more grades or years taught in a francsaskois school in the francophone education area under the jurisdiction of the conseil scolaire where those grades or years are not offered in another francsaskois school in that francophone education area;
- unless the conseil scolaire has forwarded a request to the conseil général for the conseil général's approval of the closure or discontinuance and has received the written approval of the conseil général for the closure or discontinuance".

Section 93 amended

39 **Section 93 is amended:**

- by adding "or a conseil scolaire" after "a board of education"; and
- by adding "or the conseil scolaire, as the case may be," after "the board" wherever it occurs.

Section 94 amended

**40 Section 94 is repealed and the following substituted:**

Liability of member of board or conseil scolaire

"94 If a board of education or a conseil scolaire:

- (a) wilfully contracts liabilities in the name of the division or the conseil scolaire, as the case may be, greater or other than those provided for or permitted by this Act; or
  - (b) appropriates any of the moneys of the division or the conseil scolaire, as the case may be, for purposes other than those provided for or permitted by this Act;
- any two electors of the division or voters of the francophone education area, as the case may be, may recover as a debt for the division or the conseil scolaire, as the case may be, in a court of competent jurisdiction, from the members of the board or the conseil scolaire who voted for or sanctioned such illegal action jointly or severally, the sum for which the division or the conseil scolaire has been rendered liable through the action of those members over and above the amount provided for or permitted by this Act, in addition to the total amount of moneys that have been misappropriated by those members of the board or conseil scolaire".

Section 95 amended

**41 Section 95 is repealed and the following substituted:**

Limitation of actions for damages

"95(1) No action for the recovery of damages shall be commenced against a school division or a conseil scolaire after the expiration of one year from the day on which the damages were sustained unless the action is commenced pursuant to an order mentioned in subsection (2).

(2) A person may at any time:

- (a) after seven days' notice to the school division or the conseil scolaire, as the case may be; and
  - (b) within one year from the day that is one year from the day on which damages were sustained;
- apply to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan for an order authorizing the person to commence an action against the school division or the conseil scolaire, as the case may be, for the recovery of those damages".

New sections 103.1 to 103.3

**42 The following heading and sections are added after section 103:****"ANNUAL MEETING OF VOTERS**

Annual meeting of voters in francophone education area

"103.1(1) Except in the year of the establishment of a conseil scolaire, the conseil scolaire shall convene an annual meeting of the voters of the francophone education area after the receipt of the audited financial statement of the conseil scolaire and, in a year in which a general election of members of the conseil scolaire is held, before the general election.

(2) The secretary or secretary treasurer of the conseil scolaire shall give notice, in accordance with the regulations, of every annual meeting of voters to be held pursuant to this Act.

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

(4) At the hour fixed for the meeting, the voters present shall elect one of their number to preside as chairman and one other to act as secretary for the meeting.

(5) The chairman shall conduct the meeting in accordance with the order of business mentioned in subsection (4) and shall entertain full discussion thereof, including resolutions, exchange of information and views on educational plans and policies.

(6) The secretary of the meeting shall prepare a statement of the proceedings of the meeting and shall forward a copy of that statement to the conseil scolaire.

Special meetings of voters

"103.2(1) A special meeting of the voters of the francophone education area may be held at any time for any necessary purpose not otherwise provided for by this Act.

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

- (a) the conseil scolaire;
  - (b) the minister; or
  - (c) a request in writing signed by no fewer than 25 voters of the francophone education area.
- (3) The notices calling a special meeting shall set forth the place, date, time and purposes of the meeting.
- (4) The voters in attendance at a special meeting shall elect a chairman and a secretary for the meeting.

(5) A special meeting shall be conducted in accordance with the procedures set out in section 103.1, but no business shall be considered by the meeting other than that mentioned in the notices mentioned in subsection (3).

Meeting of voters for review of services

"103.3 Where:

(a) the conseil scolaire considers it inadvisable to continue the operation of at least one francsaskois school in the francophone education area; or  
 (b) by reason of declining enrolment or other circumstances of the conseil scolaire, the maintenance of a satisfactory standard of educational services appears to be in doubt;  
 the conseil scolaire shall, at the annual meeting of voters, or at a special meeting of voters convened for the purpose, conduct a review and evaluation of educational services available to the pupils of the francophone education area and advise the conseil général of any decisions or recommendations which result from such consultation insofar as these may apply to the operation and future development of the francophone education area".

Heading preceding section 104 amended

**43 The heading preceding section 104 is amended by adding "AND CONSEILS SCOLAIRES" after "ADMINISTRATION IN SCHOOL DIVISIONS".**

Section 104 amended

**44 Section 104 is amended:**

- (a) **in the portion that precedes clause (a):**  
 (i) **by striking out "A board of education" and substituting "Every board of education and every conseil scolaire"; and**  
 (ii) **by adding "or the francophone education area, as the case may be," after "for the division";**  
 (b) **in clause (a):**  
 (i) **by adding "or the conseil scolaire" after "by the board"; and**  
 (ii) **by adding "or the francophone education area" after "affairs of the division"; and**  
 (c) **by adding "or the conseil scolaire" after "by the board" in clause (b).**

New section 105.01

**45 The following section is added after section 105:**

Duties of président of conseil scolaire

"105.01(1) The président of a conseil scolaire shall exercise general supervision over the affairs of the francophone education area governed by the conseil scolaire.  
 (2) In the absence or disability of the président, the duties mentioned in subsection (1) shall be performed by the vice-président of the conseil scolaire 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".

Section 105.1 amended

**46 Section 105.1 is repealed and the following substituted:**

Committees

"105.1(1) A board of education or a 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, as the case may be.  
 (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 division passed by the board of education for payment;  
 (ii) countersigning all cheques issued by the treasurer or secretary treasurer on behalf of the division, other than cheques on which signatures are imprinted pursuant to the authority of a resolution passed pursuant to clause 91(t);  
 (iii) executing agreements authorized by and on behalf of the board; and  
 (b) any of the duties and powers conferred or imposed by this Act on the board, other than the power to:  
 (i) borrow money; or  
 (ii) pass a bylaw.

- (3) A conseil scolaire may delegate to any committee appointed by it pursuant to subsection (1):
- (a) the inquiry into or consideration, management or regulation of any administrative matters that the conseil scolaire considers appropriate including:
    - (i) certifying all accounts against the conseil scolaire passed by the conseil scolaire for payment;
    - (ii) countersigning all cheques issued by the treasurer or secretary treasurer on behalf of the conseil scolaire, other than cheques on which signatures are imprinted pursuant to the authority of a resolution passed pursuant to clause 91.1(t);
    - (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 a conseil scolaire has delegated any matter to a committee appointed pursuant to subsection (1), the committee:
- (a) may exercise the powers that are conferred by this Act on the board or the conseil scolaire that delegated the matter; and
  - (b) shall perform the duties that are imposed by this Act on the board or the conseil scolaire that delegated the matter;
- in the same manner and to the same extent as the board or the conseil scolaire, and the exercise of powers and the performance of duties by the committee is deemed to be the exercise of powers and the performance of duties by the board or the conseil scolaire.
- (5) Every committee appointed pursuant to subsection (1) shall give a report respecting its proceedings and decisions to the board or the conseil scolaire that appointed the committee:
- (a) in the time;
  - (b) in the manner; and
  - (c) containing the information;
- required by the board or the conseil scolaire.
- (6) 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) or (3)(a)(i) to (iii), 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 or the conseil scolaire.
- (7) Every board of education and every conseil scolaire 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 79.

Section 106 amended

**47(1) Subsection 106(1) is amended:**

- (a) by striking out "a board of education" and substituting "every board of education and every conseil scolaire"; and**
- (b) by striking out "as the board may consider necessary for the proper and efficient administration of the business of the division" and substituting "as the board or the conseil scolaire may consider necessary for the proper and efficient administration of the division or the francophone education area, as the case may be".**

**(2) Subsection 106(2) is amended:**

- (a) by adding "or a conseil scolaire" after "A board of education";**
- (b) by adding "or the conseil scolaire" after "affairs of the board"; and**
- (c) by adding "or the conseil scolaire, as the case may be," after "treasurer of the division".**

- (3) Clause 106(3)(a) is amended by adding "with a conseil scolaire, or with the conseil général" after "other divisions,".**

**(4) The following subsection is added after subsection 106(3):**

“(3.1) Where a conseil scolaire, by reason of the small size or limited capacity of the conseil scolaire, considers it impracticable to appoint a full-time director, the conseil scolaire may, subject to the regulations, enter into an agreement with another conseil scolaire, with the conseil général, with a board of education, or with the department, either to effect a joint appointment of a director or to procure the services of a director on a part-time basis”.

## Section 107 amended

**48 Section 107 is repealed and the following substituted:**

## Director to be CEO

“107(1) A director appointed by a board of education shall be designated by the board of education as the chief executive officer of that board of education.

(2) A director appointed by a conseil scolaire or by the conseil général for a conseil scolaire shall be designated by the conseil scolaire as the chief executive officer of that conseil scolaire”.

## Section 108 amended

**49 Section 108 is repealed and the following substituted:**

## Duties of director

“108(1) The powers and duties of a director shall be prescribed by the board of education, the conseil scolaire or the conseil général 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 such reports and returns as may from time to time be required by the minister;
- (b) ensure that the schools of the board of education or the conseil scolaire, as the case may be, are conducted in accordance with this Act, the regulations and the policies of the board or the conseil scolaire, as the case may be, in all matters within its jurisdiction;
- (c) exercise general supervision of the schools of and the work of principals, teachers and other personnel employed by the board or the conseil scolaire, as the case may be;
- (d) provide educational leadership and liaison involving the board or the conseil scolaire, as the case may be, the professional staff and the public pertaining to the efficiency and advancement of education in the division or the francophone education area, as the case may be”.

## Section 109 amended

**50(1) Subsection 109(1) is amended by striking out “The board of education” and substituting “Every board of education and every conseil scolaire”.**

**(2) Subsection 109(2) is amended:**

- (a) by striking out the portion that precedes clause (a) and substituting the following:**

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

- (b) by repealing clauses (a) and (a.1) and substituting the following:**

“(a) keep a complete and accurate record of the proceedings of all meetings of the board or the conseil scolaire;

“(a.1) make available for inspection by any person, during regular office hours of the board or the conseil scolaire, the minutes of the board or the conseil scolaire after they have been adopted by the board or the conseil scolaire”;

- (c) by adding “or the conseil scolaire, as the case may be,” after “the board” in clause (a.2);**

- (d) by adding “or the conseil scolaire, as the case may be,” after “the board” in clause (a.3); and**

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

“(b) produce, on demand by the board or the conseil scolaire, the director, or any other competent authority, all books and papers belonging to the board or the conseil scolaire and, on ceasing to hold office, deliver them to the board or the conseil scolaire or any person designated by the board or the conseil scolaire”.

**(3) The following subsection is added after subsection 109(2):**

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

**(4) Subsection 109(2.1) is repealed and the following substituted:**

"(2.1) The maximum rate that the board or the conseil scolaire may fix for the purpose of clause (2)(a.3) is not to exceed the costs incurred by the board or the conseil scolaire in furnishing the copies".

**(5) Subsection 109(2.2) is amended by adding "or the conseil scolaire" after "board" wherever it occurs.****(6) Subsection 109(3) is repealed and the following substituted:**

"(3) In addition to any duties that may be assigned to him or her by the board of education or the conseil scolaire pursuant to subsection (1), the treasurer, secretary treasurer, or superintendent of administration, as the case may be, shall:

- (a) receive all moneys payable to the board or the conseil scolaire and disburse them in the manner directed by the board or the conseil scolaire;
- (b) pay all accounts payable by the board or the conseil scolaire when authorized for payment by a resolution of the board or the conseil scolaire and when certified by the chairman of the board or président of the conseil scolaire or by some person other than the chairman or président who is authorized by a resolution of the board or the conseil scolaire to certify accounts for payment;
- (c) keep a complete and detailed record of all the financial transactions of the board or the conseil scolaire;
- (d) give and take receipts for moneys received or disbursed and keep on file all vouchers of expenditures;
- (e) close and balance the books of record of the division or the conseil scolaire on December 31 in each year;
- (f) produce, on demand by the board or the conseil scolaire, the director, or any other competent authority, all books, vouchers, papers and money belonging to the board or the conseil scolaire and, on ceasing to hold office, deliver them to the board or the conseil scolaire or any person designated by the board or the conseil scolaire;
- (g) make such reports and statements and perform such duties and do such things as he or she is required to do by this Act;
- (h) prepare and transmit to the minister, at such times and in such form as the minister may require, a statement approved by the board or the conseil scolaire of the estimated revenues and expenditures of the board or the conseil scolaire for the year and shall prepare and transmit to the minister such other statements and such reports and information with respect to the division or the francophone education area as may from time to time be required by the minister".

**(7) The following subsection is added after subsection 109(3):**

"(4) In addition to the duties that may be assigned to him pursuant to subsection (3) or by the board of education pursuant to subsection (1), the treasurer, secretary treasurer or superintendent of administration, as the case may be, of a board of education, shall forward by mail, on or before June 1 in each year, a certified copy of the auditor's report and the financial statement of the division to the council of each municipality in which there is land or property taxable for the purposes of the division under this Act, or on account of which grants in lieu of taxes are paid by the Government of Saskatchewan or the Government of Canada".

## Section 110 amended

**51(1) Subsection 110(1) is amended:**

- (a) by adding "or the conseil scolaire, as the case may be," after "board of education";
- (b) by adding "or the conseil scolaire, as the case may be," after "that the board";
- (c) by adding "or the francophone education area, as the case may be" after "of the division"; and
- (d) by adding "or the conseil scolaire, as the case may be" after "by the board".

**(2) Subsection 110(2) is amended by adding "or the conseil scolaire, as the case may be," after "by the board of education".**

## Section 111 amended

**52 Section 111 is amended by adding "and every conseil scolaire" after "Every board of education".**

## Section 112 amended

**53 Section 112 is amended by adding "or the conseil scolaire, as the case may be," after "the board of education".**

## Section 113 amended

**54(1) Subsection 113(1) is amended by adding "or the conseil scolaire, as the case may be," after "the board of education" wherever it occurs.**

(2) **Subsection 113(11) is amended by adding** “or the président of the conseil scolaire, as the case may be,” **after** “the chairman of the board of education”.

Section 115 amended

**55 Section 115 is repealed and the following substituted:**

Duties of other employees

“115 Except where otherwise expressly provided by this Act, the duties and requirements of persons in positions authorized by the board of education or the conseil scolaire shall be those prescribed by the board of education or the conseil scolaire, as the case may be”.

Section 116 amended

**56 Section 116 is repealed and the following substituted:**

Immunity from liability

“116 No director, superintendent, principal or other person whose duties under this Act or under the bylaws of the board of education or the conseil scolaire require him or her to appraise the work of teachers or other employees of the board or the conseil scolaire and to make written reports thereon shall be 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 the powers conferred by this Act or by the bylaws of the board or the conseil scolaire, as the case may be”.

Section 143 amended

**57 Subsection 143(1) is amended by adding** “or the conseil scolaire” **after** “the board of education”.

Section 144 amended

**58 Subsection 144(2) is amended by adding** “and subject to subsection 144.01(2),” **after** “Except as otherwise provided in this Act,”.

New section 144.01

**59 The following section is added after section 144:**

Right to attend school at cost of conseil scolaire

“144.01(1) Notwithstanding anything in *The Age of Majority Act*, and except as otherwise provided in this Act, every person between the ages of six and 21 years whose parent is a minority language adult has the right:

- (a) to attend a francsaskois school in the francophone education area, that exists or becomes established, in which the person's parent who is a minority language adult or the person's guardian is resident; and
- (b) to receive instruction appropriate to the person's age and level of educational achievement in courses of instruction approved by the conseil scolaire:

- (i) in the francsaskois school or schools in the francophone education area under the jurisdiction of the conseil scolaire; or

- (ii) subject to the stated policies, requirements and conditions of the conseil scolaire, in francsaskois schools or other educational institutions outside the francophone education area 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 of the francophone education area mentioned in subsection (1), 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 francophone education area under the jurisdiction of the conseil scolaire.

(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.

Attendance of others at francsaskois school

“144.02 A person between the ages of six and 21 years 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 of the francophone education area".

Section 145 amended

60 **Section 145 is amended by adding** "or a conseil scolaire, as the case may be" **after** "a board of education".

Section 146 amended

61 **Section 146 is amended by adding** "or the conseil scolaire, as the case may be" **after** "the board of education" **wherever it occurs**.

Section 147 amended

62 **Section 147 is amended by adding** "or the conseil scolaire, as the case may be," **after** "the board of education".

Section 149 amended

63 **Section 149 is amended:**

(a) **in the portion that precedes clause (a):**

- (i) **by adding** "or the francophone education area" **after** "schools of the division";
- (ii) **by adding** "or the conseil scolaire, as the case may be" **after** "board of education";
- (iii) **by adding** "or the conseil scolaire" **after** "employed by the board"; **and**
- (iv) **by adding** ", the conseil scolaire," **after** "approved by the board"; **and**

(b) **by adding** "or the conseil scolaire, as the case may be," **after** "the board of education" **in:**

- (i) **clause (b);**
- (ii) **clause (c); and**
- (iii) **clause (e).**

Section 150 amended

64 **Clause 150(c) is repealed and the following substituted:**

"(c) subject to stated policies of the board of education or the conseil scolaire, as the case may be, to the driver of a school bus and to any other person appointed by the board or the conseil scolaire for the purposes of supervision during hours when pupils are in the personal charge of such employees of the board or the conseil scolaire, and those employees shall be responsible to and report to the principal in accordance with the procedures approved by the board or the conseil scolaire, as the case may be".

Section 151 amended

65 **Subsection 151(2) is amended by adding** "and every conseil scolaire" **after** "Every board of education".

Section 153 amended

66(1) **Subsection 153(5) is amended by adding** "or the conseil scolaire" **after** "the board of education".

(2) **Subsection 153(6) is amended by adding** "or a conseil scolaire" **after** "A board of education".

(3) **Subsection 153(7) is amended:**

- (a) **by adding** "or a conseil scolaire" **after** "a board of education";
- (b) **by adding** "or the conseil scolaire, as the case may be," **after** "the board"; **and**
- (c) **by adding** "or the francophone education area, as the case may be," **after** "division".

(4) **Subsection 153(8) is amended:**

- (a) **by adding** "or a conseil scolaire" **after** "a board of education";
- (b) **by adding** "or the conseil scolaire, as the case may be," **after** "the board of education"; **and**
- (c) **by adding** "or the conseil scolaire" **after** "that the board".

(5) **Subsection 153(9) is repealed and the following substituted:**

"(9) 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 is of the same force and effect as if made by the board or the conseil scolaire;
- (b) shall be reported immediately to the board of education or the conseil scolaire;
- (c) may be altered, amended or revoked by the board of education or the conseil scolaire at a subsequent meeting of the board or the conseil scolaire".

(6) **Clause 153(10)(b) is repealed and the following substituted:**

“(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”.

**(7) Subsection 153(11) is amended:**

- (a) by adding “or the conseil scolaire, as the case may be,” after “the board of education” wherever it occurs in clause (a); and**
- (b) by adding “or the conseil scolaire, as the case may be,” after “the board” wherever it occurs in clause (b).**

Section 154 amended

**67(1) The following subsection is added after subsection 154(1):**

“(1.1) Notwithstanding section 153, a conseil scolaire, by resolution, may exclude a pupil from attendance at any or all schools in the francophone education area 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 153(6); or
- (b) the unanimous report of a committee pursuant to subsection 153(9)”.

**(2) Subsection 154(2) is amended by adding “or the conseil scolaire, as the case may be,” after “the board” wherever it occurs.**

Section 155 amended

**68 Subsection 155(1) is amended by repealing clauses (a) and (b) and substituting the following:**

“(a) at the school determined or authorized by the board of education of the division in which the pupil resides and for the period during which the school is in operation in each year; or

“(b) at the fransaskois school determined or authorized by the conseil scolaire of the francophone education area in which the parent or guardian resides and for the period during which the fransaskois school is in operation in each year”.

Section 156 amended

**69 Section 156 is amended:**

- (a) by adding “or the conseil scolaire” after “board of education” in clause (b);**
- (b) by adding “or the conseil scolaire, as the case may be” after “board of education” in clause (g); and**
- (c) by adding “or the francophone education area” after “the division” in clause (j).**

Section 157 amended

**70(1) Subsection 157(1) is amended by adding “or the conseil scolaire, as the case may be” after “the board of education”.**

**(2) Subsection 157(2) is amended:**

- (a) by adding “or the conseil scolaire” after “the board of education”; and**
- (b) by adding “or the conseil scolaire, as the case may be,” after “policies of the board”.**

Section 159 amended

**71 Section 159 is amended by adding “and conseils scolaires” after “boards of education”.**

Section 160 amended

**72 Section 160 is repealed and the following substituted:**

Local attendance counsellor

“160 Every board of education and every conseil scolaire shall appoint a person or designate a member of its staff to be the local attendance counsellor for the division or the francophone education area, as the case may be”.

Section 161 amended

**73(1) Subsection 161(1) is amended:**

- (a) in the portion that precedes clause (a):**
  - (i) by adding “or the francophone education area, as the case may be” after “within the division”; and**
  - (ii) by adding “or the conseil scolaire, as the case may be,” after “bylaws of the board of education”;**
- (b) by adding “or the francophone education area” after “the division” in clause (a); and**

- (c) **by adding** "or the francophone education area" **after** "the division" **in clause (e).**
- (2) **Subsection 161(2) is amended by adding** "or the francophone education area, as the case may be," **after** "the school division".
- (3) **Subsection 161(5) is amended by striking out** "the division" **and substituting** "of the division or the conseil scolaire, as the case may be,".

## Section 162 amended

- 74(1) **Subsection 162(2) is amended by adding** "or the conseil scolaire, as the case may be," **after** "the board of education".
- (2) **Subsection 162(4) is amended by striking out** "approved by the board of education under its bylaws" **and substituting** "approved by the bylaws of the board of education or the conseil scolaire, as the case may be,".
- (3) **Subsection 162(5) is amended by adding** "or the conseil scolaire, as the case may be," **after** "the board of education".

## Section 163 amended

- 75 **Subsection 163(2) is amended:**
- (a) **by adding** ", conseil scolaire" **after** "board of education" **in clause (a); and**
- (b) **by adding** "or the conseil scolaire, as the case may be," **after** "the board of education" **in clause (e).**

## Section 164 amended

- 76(1) **Clause 164(1)(c) is amended by adding** "or the conseil scolaire, as the case may be" **after** "board of education".
- (2) **Subsection 164(3) is amended by adding** "or the conseil scolaire, as the case may be" **after** "the board of education".
- (3) **Subsection 164(4) is amended:**
- (a) **by striking out** "A board of education" **and substituting** "Every board of education and every conseil scolaire"; **and**
- (b) **by adding** "or the francophone education area, as the case may be," **after** "the division".
- (4) **Subsection 164(5) is amended by adding** "or the conseil scolaire, as the case may be" **after** "board of education".

## Section 165 amended

- 77(1) **Subsection 165(2) is amended:**
- (a) **by adding** "or a conseil scolaire" **after** "board of education"; **and**
- (b) **by adding** "or the conseil scolaire" **after** "the board".
- (2) **Subsection 165(3) is amended by striking out** "The board of education" **and substituting** "A board of education or a conseil scolaire".
- (3) **Subsection 165(4) is amended by striking out** "The board of education" **and substituting** "A board of education or a conseil scolaire".
- (4) **Subsection 165(6) is amended by striking out the portion that precedes clause (a) and substituting the following:**
- "Notwithstanding subsection (5), where a board of education or a conseil scolaire passes a resolution on the recommendation of the director or superintendent, pupils in any or all schools in the division or the francophone education area, as the case may be, as set out in the resolution of the board of education or the conseil scolaire, may be allowed:".

## Section 166 amended

- 78(1) **Subsection 166(2) is amended by adding** "or a conseil scolaire, as the case may be," **after** "A board of education".
- (2) **Subsection 166(3) is amended by adding** "or the conseil scolaire, as the case may be," **after** "the board of education".

## Section 167 amended

- 79(1) **Clause 167(1)(a) is amended:**
- (a) **by adding** "or the conseil scolaire, as the case may be," **after** "board of education"; **and**

- (b) by adding "or the conseil scolaire, as the case may be," after "or such later day as the board".  
 (2) Subsection 167(2) is amended by adding "or a conseil scolaire" after "board of education".

Section 168 amended

80 Section 168 is amended:

- (a) by adding "or a conseil scolaire" after "board of education"; and  
 (b) by adding "or the conseil scolaire, as the case may be," after "the board".

Section 169 amended

81 Subsection 169(1) is amended:

- (a) by adding "or the conseil scolaire, as the case may be" after "the board of education" in the portion that precedes clause (a); and  
 (b) by adding "or the francophone education area, as the case may be" after "the division" in clause (a).

Section 171 amended

82(1) Subsection 171(1) is amended:

- (a) by striking out "or division, the board of education" and substituting ", division or francophone education area, as the case may be, the board of education or the conseil scolaire, as the case may be,"; and  
 (b) by adding "or the conseil scolaire, as the case may be," after "Level, the board".

(2) Subsection 171(2) is repealed and the following substituted:

"(2) Where a board of education or a conseil scolaire limits instruction pursuant to subsection (1), the board or the conseil scolaire 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".

New section 172.1

83 The following section is added after section 172:

Recovery of fees by conseil scolaire

"172.1 Subject to the regulations, where a conseil scolaire provides educational services to persons other than those mentioned in section 144.01, the conseil scolaire shall be entitled to claim recovery of the costs of those services".

Section 174 amended

84(1) Subsection 174(1) is amended:

- (a) by adding "or the conseil scolaire, as the case may be," after "the board of education"; and  
 (b) by adding "or the conseil scolaire" after "staff as the board".

(2) Subsection 174(2) is amended by adding "or the conseil scolaire, as the case may be," after "the board of education".

Section 175 amended

85 Section 175 is amended:

- (a) in the portion that precedes clause (a):  
 (i) by adding "or the conseil scolaire" after "the board of education"; and  
 (ii) by adding "or the conseil scolaire" after "and the board";  
 (b) by adding "or the conseil scolaire" after "the board" in clause (a);  
 (c) by adding "or the conseil scolaire" after "the board" in clause (d);  
 (d) by adding "or the conseil scolaire, as the case may be," after "the board" in clause (n); and  
 (e) in clause (o):  
 (i) by adding "or the conseil scolaire, as the case may be" after "the board"; and  
 (ii) by adding "or the francophone education area" after "the division".

Section 176 amended

86 Subsection 176(2) is amended:

- (a) by adding "or a conseil scolaire, as the case may be," after "board of education"; and  
 (b) by adding "or the francophone education area" after "the division".

Section 177 amended

87 **Section 177 is amended by adding "or the conseil scolaire, as the case may be," after "the board of education".**

Section 178 amended

88(1) **Subsection 178(1) is amended by adding "or the conseil scolaire, as the case may be" after "the board of education".**

(2) **Subsection 178(2) is amended by adding "or the conseil scolaire, as the case may be," after "board of education".**

Section 179 amended

89 **Section 179 is amended by adding "or a conseil scolaire, as the case may be," after "board of education".**

Section 180 amended

90(1) **Subsection 180(1) is amended by striking out "subsections (2) and (3)" and substituting "subsections (2) to (3.1)".**

(2) **The following subsection is added after subsection (3):**

"(3.1) French shall be the language of instruction in francoskoi schools and in minority language instruction programs".

**New section 180.1**

**91 The following section is added after section 180:**

**Minority language instruction programs**

**180.1(1)** Any minority language adult who is not a resident in a francophone education area and who is the parent of a child who is 21 years of age or younger may apply to the conseil général, in the manner required by the conseil général, for the provision of a minority language instruction program for that child.

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

- (a) whether the appropriate services, in pedagogical terms, can be offered;
- (b) whether there is an existing francoskoi 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 21 years of age or younger, 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 the establishment of a conseil scolaire and a francophone education area in the area; and
- (i) whether there is any reason, based on any factor or consideration that the conseil général deems appropriate, not to provide the minority language instruction program requested".

**New section 181.1**

**92 The following section is added after section 181:**

**Religious instruction in francoskoi schools**

**181.1(1)** Religious instruction, as authorized by a conseil scolaire with respect to any francoskoi school in its jurisdiction, may be given in the francoskoi school for a period not exceeding two and one-half hours per week.

(2) Subject to subsection (3), a 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 which have been prescribed for the purpose by the minister.

(3) Where the parents or guardian of a pupil request, 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 shall, with the written consent of his or her parent or guardian, be exempt from attendance at such courses of religious instruction, but shall be provided with suitable alternative studies appropriate to the instructional program of the pupil's grade".

## Section 182 amended

93 **Subsection 182(2) is amended by adding "or the conseil scolaire" after "the board of education".**

## Section 183 amended

94(1) **Subsection 183(1) is amended by adding "or the conseil scolaire, as the case may be," after "the board of education".**

(2) **Subsection 183(2) is amended by adding "or a conseil scolaire, as the case may be," after "A board of education".**

## Section 184 amended

95(1) **Subsection 184(2) is amended:**

(a) **by adding "or a conseil scolaire" after "board of education" in the portion that precedes clause (a);**

(b) **in clause (a):**

(i) **by adding "or the conseil scolaire, as the case may be," after "the board"; and**

(ii) **by adding "or conseils scolaires" after "boards of education"; and**

(c) **by adding "or the conseil scolaire" after "the board" wherever it occurs in clause (b).**

(2) **Subsection 184(3) is amended:**

(a) **by adding "or a conseil scolaire, as the case may be," after "A board of education";**

(b) **by striking out "another board of education" and substituting "a board of education, conseil scolaire,"; and**

(c) **by striking out "or person" and substituting " , the conseil général or any other person".**

(3) **Subsection 184(4) is amended by adding "or the conseil scolaire, as the case may be," after "the board of education".**

(4) **Subsection 184(6) is repealed and the following substituted:**

"(6) Notwithstanding subsections 144(2) and 173(1), a school division that, pursuant to subsection (3), has entered into an agreement to make educational services available to pupils with disabilities maintains responsibility for those pupils for so long as the parents or guardians of the pupils remain residents of the school division that entered into the agreement.

"(7) Notwithstanding subsection 144.01(2), a conseil scolaire that, pursuant to subsection (3), has entered into an agreement to make educational services available to pupils with disabilities maintains responsibility for those pupils for so long as the parents or guardians of the pupils remain residents of the francophone education area under the jurisdiction of the conseil scolaire that entered into the agreement".

## Section 185 amended

96 **Section 185 is amended:**

(a) **by adding "or the conseil scolaire" after "the board of education"; and**

(b) **by adding "or the conseil scolaire, as the case may be," after "talent, the board".**

## Section 187 amended

97 **Section 187 is amended by adding "and every conseil scolaire" after "every school division".**

## Section 188 amended

98(1) **Subsection 188(1) is repealed and the following substituted:**

"(1) Subject to subsection (2), a board of education, a conseil scolaire or the conseil général, or any combination of two or more of them, jointly on such terms as 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 division or francophone education area, as the case may be, and for those purposes may, subject to the regulations, employ such personnel as may be determined by the board, conseil scolaire or conseil général, or combination of them".

(2) **Subsection 188(3) is amended by adding "or a conseil scolaire, as the case may be," after "board of education".**

## Section 189 amended

99(1) **Subsection 189(1) is amended by adding "or a conseil scolaire" after "board of education".**

(2) **Subsection 189(2) is amended:**

- (a) **by adding** “or a conseil scolaire” **after** “board of education”; **and**
- (b) **by adding** “or the conseil scolaire, as the case may be,” **after** “the board”.

## Section 190 amended

100 **Section 190 is amended by adding** “or a conseil scolaire, as the case may be,” **after** “board of education”.

## Section 192 amended

101(1) **The following subsection is added after subsection 192(1):**

“(1.1) Transportation services provided to pupils pursuant to clause 91.1(k) and the bylaws of the conseil scolaire shall be provided at the cost of the conseil scolaire”.

(2) **Subsection 192(2) is amended by striking out** “subsection (1), a board of education” **and substituting** “subsections (1) and (1.1), a board of education or a conseil scolaire, as the case may be,”.

## Section 193 amended

102 **Section 193 is amended:**

- (a) **by adding** “or a conseil scolaire” **after** “board of education”; **and**
- (b) **by adding** “or the francophone education area, as the case may be” **after** “schools of the division”.

## Section 194 amended

103 **Section 194 is amended:**

- (a) **by adding** “or a conseil scolaire” **after** “board of education” **in the portion that precedes clause (a);**
- (b) **by adding** “or the francophone education area, as the case may be,” **after** “schools of the division” **in clause (a); and**
- (c) **by adding** “or the conseil scolaire, as the case may be” **after** “owned by the board” **in clause (d).**

## Section 195 amended

104 **Section 195 is amended by adding** “or a conseil scolaire” **after** “board of education”.

## Section 197 amended

105 **Section 197 is repealed and the following substituted:**

## Appointment or dismissal of teacher

“197 No teacher shall be engaged or dismissed except under the authority of a resolution of the board of education or the conseil scolaire, as the case may be, passed at a meeting of the board or the conseil scolaire”.

## Section 198 amended

106 **Section 198 is amended:**

- (a) **in subsection (1):**
  - (i) **by adding** “or a conseil scolaire, as the case may be,” **after** “board of education”; **and**
  - (ii) **by adding** “or the conseil scolaire, as the case may be,” **after** “the board”;
- (b) **by adding** “or the conseil scolaire, as the case may be,” **after** “the board of education” **in subsection (3);**
- (c) **by adding** “or the conseil scolaire, as the case may be,” **after** “the board of education” **in subsection (4);**
- (d) **by adding** “or the conseil scolaire, as the case may be,” **after** “the board of education” **in subsection (6); and**
- (e) **by adding** “or the conseil scolaire, as the case may be,” **after** “the board of education” **in subsection (9)**”.

## Section 199 amended

107 **Section 199 is amended:**

- (a) **by adding** “or a conseil scolaire” **after** “A board of education”; **and**
- (b) **by adding** “or the conseil scolaire” **after** “the board” **wherever it occurs.**

## Section 200 amended

108 **Subsection 200(3) is amended:**

- (a) **by adding** “or the conseil scolaire” **after** “board of education”; **and**

(b) by adding "or the francophone education area, as the case may be," after "in the division".

New sections 202.1 and 202.2

109 **The following sections are added after section 202:**

Status of teachers in schools transferred to conseil scolaire

"202.1 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 a 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 existing employer for up to two years in accordance with any terms and conditions which may be negotiated between the teacher, the existing employer, and the conseil scolaire.

Effect of transfer

"202.2(1) If all of the teachers who are employed in a school operated by a board of education that becomes a fransaskois school and is transferred to the jurisdiction of a conseil scolaire agree, they shall each, with the approval of the conseil scolaire and the board of education, for the purposes of employment, salary, salary increments, benefits and other entitlements, be deemed to have been in the employ of the conseil scolaire to which the transfer is effected from the day on which they individually entered into a contract of employment with the board of education of the division 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 division from which the transfer occurs shall apply to the teachers mentioned in subsection (1) until the expiry date of that collective bargaining agreement".

Section 204 amended

110 **Section 204 is amended:**

- (a) by adding "or the conseil scolaire" after "board of education"; and
- (b) by adding "or the conseil scolaire" after "failure of the board".

Section 205 amended

111 **Section 205 is amended by adding "or a conseil scolaire" after "a board of education".**

Section 206 amended

112 **Section 206 is amended:**

- (a) by adding "or a conseil scolaire" after "board of education" in the portion that precedes clause (a);
- (b) in clause (a):
  - (i) by adding "or the conseil scolaire, as the case may be" after "of the board"; and
  - (ii) by adding "or the conseil scolaire, as the case may be," after "but the board"; and
- (c) in clause (b):
  - (i) by adding "or the conseil scolaire, as the case may be," after "by the board"; and
  - (ii) by adding "or the francophone education area, as the case may be" after "programs of the division".

Section 207 amended

113 **Section 207 is amended:**

- (a) by adding "or a conseil scolaire" after "board of education" in the portion that precedes clause (a);
- (b) by adding "or the conseil scolaire, as the case may be," after "the board" in clause (a); and
- (c) by adding "or the conseil scolaire, as the case may be," after "the board" in clause (b).

Section 208 amended

114 **Section 208 is repealed and the following substituted:**

Termination by mutual consent

"208(1) A contract of employment between a board of education and a teacher may be terminated at any time by mutual agreement in writing between the board and the teacher and, in that case, the teacher and the board are thereupon released from any obligation implicit in the contract or under this Act.

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

Section 209 amended

**115 Section 209 is repealed and the following substituted:**

Right of teacher to hearing with board or conseil scolaire

“209 A notice of termination given pursuant to section 206 shall state that the teacher may, at any time within 10 days after the day of receipt of the notice, apply to the board or the conseil scolaire, as the case may be, for an opportunity to attend at a meeting of the board or the conseil scolaire to show cause why the contract should not be terminated, and the board or the conseil scolaire shall make provision for the teacher to do so”.

Section 210 amended

**116 Section 210 is amended by adding “or the conseil scolaire, as the case may be,” after “opinion of the board” wherever it occurs.**

Section 211 amended

**117(1) Subsection 211(1) is amended:**

- (a) **by adding “or a conseil scolaire” after “a board of education”; and**
- (b) **by adding “or the conseil scolaire, as the case may be,” after “the board”.**
- (2) **Subsection 211(2) is amended by adding “or the conseil scolaire” after “the board of education”.**
- (3) **Subsection 211(3) is amended:**
  - (a) **by adding “or the conseil scolaire, as the case may be,” after “the board of education”;**
  - (b) **by adding “or the conseil scolaire, as the case may be,” after “apply to the board”;**
  - (c) **by adding “or the conseil scolaire, as the case may be,” after “meeting of the board”; and**
  - (d) **by adding “or the conseil scolaire, as the case may be,” after “and the board”.**

Section 212 amended

- 118(1) Subsection 212(1) is amended by adding “or the conseil scolaire, as the case may be,” after “board of education”.**
- (2) **Clause 212(2)(b) is amended by adding “or the conseil scolaire, as the case may be” after “board of education”.**

Section 213 amended

**119 Section 213 is amended by adding “or the conseil scolaire that received the notice” after “board of education”.**

Section 214 amended

**120(1) Subsection 214(1) is amended:**

- (a) **by adding “or a conseil scolaire” after “a board of education” in the portion that precedes clause (a);**
- (b) **by adding “or the conseil scolaire, as the case may be” after “the board of education” in clause (b); and**
- (c) **by adding “or the conseil scolaire” after “of the board of education” in the portion that follows clause (c).**
- (2) **Subsection 214(4) is repealed and the following substituted:**

“(4) Notwithstanding subsections (1) and (2), where the teacher or the board of education or the conseil scolaire, as the case may be, 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, as the case may be”.

Section 216 amended

**121 Section 216 is amended by adding “or the conseil scolaire, as the case may be,” after “the board of education”.**

Section 221 amended

**122 Clause 221(d) is amended by adding “or the conseil scolaire, as the case may be,” after “the board of**

education”.

Section 225 amended

**123(1) Subsection 225(1) is amended by adding “or the conseil scolaire, as the case may be,” after “the board” wherever it occurs.**

**(2) Subsection 225(2) is repealed and the following substituted:**

“(2) Where a notice of termination is given pursuant to clause 207(b), the teacher shall not enter into a contract of employment with any board of education or any conseil scolaire until the expiry of the time allowed for an appeal by the board of education or the conseil scolaire, as the case may be, or, where an appeal is made, until the appeal is disposed of”.

**(3) Subsection 225(3) is amended by adding “or the conseil scolaire, as the case may be,” after “the board of education”.**

Section 227 amended

**124 Section 227 is amended:**

**(a) by adding “or the conseil scolaire, as the case may be” after “the board of education” in the portion that precedes clause (a);**

**(b) by adding “or the conseil scolaire, as the case may be,” after “the board of education” in clause (e);**

**(c) by adding “or the conseil scolaire, as the case may be” after “the board of education” in clause (g);**

**(d) by adding “or the conseil scolaire” after “the board of education” in clause (j);**

**(e) by repealing clause (k) and substituting the following:**

“(k) deliver up any school records or other school property or property of the division or conseil scolaire, as the case may be, in his possession when leaving the employment of the board of education or the conseil scolaire, as the case may be, or when requested in writing by the board or the conseil scolaire to do so”; **and**

**(f) by adding “or the conseil scolaire, as the case may be,” after “board of education” in clause (n).**

Section 228 amended

**125(1) Subsection 228(1) is amended by adding “a conseil scolaire,” after “a board of education,”.**

**(2) Subsection 228(2) is amended by adding “or the conseil scolaire, as the case may be,” after “the board of education”.**

Section 230 amended

**126(1) Subsection 230(2) is amended by adding “and conseils scolaires” after “boards of education”.**

**(2) Clause 230(3)(b) is amended by striking out “, and those persons shall be members of boards of education” and substituting “, and each of those persons shall be a member of a board of education or a conseil scolaire”.**

New section 231.1

**127 The following section is added after section 231:**

Bargaining committee to negotiate local agreements with conseils scolaires

“231.1(1) Each conseil scolaire shall bargain collectively with the teachers employed by it with respect to the matters set out in subsection 232(2.1).

(2) The teachers employed by a conseil scolaire shall appoint a bargaining committee which shall have the exclusive authority, and shall be the sole party, to bargain collectively on behalf of all the teachers employed by that conseil scolaire with respect to the matters set out in subsection 232(2.1)”.

Section 232 amended

**128(1) The following subsection is added after subsection 232(2):**

“(2.1) Subject to subsection (3.1), each conseil scolaire and each bargaining committee mentioned in subsection 231.1(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 period of 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)".

**(2) The following subsection is added after subsection 232(3):**

"(3.1) Where a conseil scolaire and a bargaining committee have agreed to bargain collectively with respect to a matter as provided in clause (2.1)(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".

Section 234 amended

129**(1) Subsection 234(1) is amended by adding "or 231.1(2)" after "subsection 231(2)".**

**(2) Subsection 234(2) is repealed and the following substituted:**

"(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 231, 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 231.1, to the conseil scolaire employing the teachers represented by the bargaining committee.

"(2.1) A copy of the notice mentioned in subsection (1) shall be filed with the chief executive officer of The Educational Relations Board".

Section 236 amended

130 **Clause 236(2)(b) is repealed and the following substituted:**

"(b) two members, who shall each be a member of a board of education or a conseil scolaire, shall be nominated by the association".

Section 238 amended

131 **Subsection 238(1) is amended by striking out "between the bargaining committees appointed pursuant to section 230 or 231" and substituting "between the parties mentioned in section 230, between the parties mentioned in section 231, or between the parties mentioned in section 231.1".**

Section 239 amended

132 **Subsection 239(1) is amended by striking out "where a dispute arises between the parties mentioned in subsection (1) of that section, either party may," and substituting "where a dispute mentioned in subsection 238(1) arises, either party to the dispute may,".**

Section 246 amended

133 **Section 246 is repealed and the following substituted:**

Conciliation board in respect of dispute

"246 Notwithstanding section 238, where a dispute arises between the parties mentioned in section 230, between the parties mentioned in section 231, or between the parties mentioned in section 231.1, either party to the dispute may, by written notice to the chairman of The Educational Relations Board, request the establishment of a conciliation board".

Section 248 amended

134 **Section 248 is amended:**

**(a) by striking out "arises between the parties mentioned in section 246" and substituting "mentioned in section 246 arises"; and**

**(b) adding "to the dispute" after "chairman shall notify the parties".**

Section 260 amended

135 **Section 260 is amended by adding "and between teachers and conseils scolaires" after "between teachers and boards of education".**

Section 261 amended

136**(1) Subsection 261(2) is amended by adding "or a conseil scolaire" after "board of education".**

**(2) Subsection 261(6) is amended by striking out "writing to the board of education and the" and substituting "writing to the board of education or the conseil scolaire that applied pursuant to subsection (2) and to the".**

**(3) Subsection 261(7) is amended by striking out "binding on the board of education and" and substituting "binding on the board of education or the conseil scolaire, as the case may be, and on".**

Section 266 amended

**137 Clause 266(b) is amended by adding "or the conseil scolaire" after "the board of education".**

Section 273 amended

**138(1) Subsection 273(1) is amended:**

**(a) by striking out "a board of education" and substituting "every board of education and every conseil scolaire"; and**

**(b) by adding "or the conseil scolaire, as the case may be," after "the division".**

**(2) Subsection 273(2) is amended:**

**(a) by adding "that is prepared by a board of education" after "mentioned in subsection (1)" in the portion that precedes clause (a); and**

**(b) by adding "conseils scolaires," after "boards of education," in clause (g).**

**(3) The following subsection is added after subsection 273(2):**

**"(3) The statement mentioned in subsection (1) that is prepared by a conseil scolaire shall include a supplementary statement referring to policies and programs of the conseil scolaire, together with such statistical data as may then be forecast with respect to school enrolment and personnel requirements for the fiscal year next following and, without restricting the generality of the foregoing, shall 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 conseils scolaires, the conseil général, boards of education, institutions and persons on account of services rendered to the conseil scolaire or 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".**

Section 274 amended

**139(1) Subsection 274(1) is amended by striking out "A board of education" and substituting "Every board of education and every conseil scolaire".**

**(2) Subsection 274(2) is amended by adding "or the conseil scolaire, as the case may be," after "board of education".**

Section 276 amended

**140 Section 276 is amended:**

**(a) by renumbering it as subsection (1); and**

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

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

Section 277 amended

**141 Section 277 is amended by adding "or a conseil scolaire" after "board of education".**

Section 277.1 amended

**142(1) The following subsection is added after subsection 277.1(1):**

**"(1.1) A conseil scolaire, on or before June 30, 1994 and on or before June 30 in each year after 1994, shall cause to be prepared and presented to the conseil scolaire a statement of the public accounts of the conseil scolaire for the**

immediately preceding year”.

**(2) Subsection 277.1(2) is amended:**

**(a) by adding “or (1.1)” after “subsection (1)” in the portion that precedes clause (a);**

**(b) by adding “in the case of a board of education,” before “incorporate” in clause (b);**

**(c) by adding the following clause after clause (b):**

“(b.1) in the case of a conseil scolaire, incorporate the audited financial statement of the conseil scolaire prepared pursuant to clause 91.1(r)”;

**(d) by adding “or the conseil scolaire, as the case may be,” after “liabilities of the division” in clause (c);**

**(e) by adding “or conseil scolaire, as the case may be,” after “of the division” in clause (d);**

**(f) by adding “or the conseil scolaire, as the case may be,” after “position of the division” in clause (e);**

**(g) in clause (f):**

**(i) by adding “or the conseil scolaire, as the case may be” after “employee of the board” in subclause (i); and**

**(ii) by repealing subclause (iii) and substituting the following:**

“(iii) expenditures, grants and contributions of goods and services made pursuant to section 92, in the case of a board of education, or pursuant to section 92.1, in the case of a conseil scolaire”;

**(h) by adding “or the conseil scolaire, as the case may be” after “board” in clause (g).**

New sections 306.1 to 306.6

**143 The following sections are added after section 306:**

Operating grants to conseils scolaires

“306.1(1) Subject to subsections (2) and (3), section 306.3, and any terms and conditions that may be prescribed in the regulations, each conseil scolaire is entitled to an operating grant 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 each conseil scolaire and, in so doing, shall take into consideration the number of pupils enrolled in the francophone school or schools in the francophone education area and shall, where applicable, include sums for:

(a) administration;

(b) instruction;

(c) plant operation and maintenance;

(d) transportation of pupils;

(e) any other expenditures, including fees and other payments made on behalf of pupils attending schools or institutions outside the francophone education area or otherwise outside the jurisdiction of the conseil scolaire, that may be recognized by the minister; and

(f) approved expenditures made in previous years that were not recognized in the grant calculations for those previous years.

(3) The minister shall calculate the recognized local revenue for each conseil scolaire consisting of:

(a) any revenues from fees and other sources that may be recognized by the minister; and

(b) recognized revenues received in previous years that were not recognized in the grant calculations for those previous years.

(4) The minister may deduct from any operating grant payable to a conseil scolaire in respect of any year the amount of the fees for membership in an association recognized and approved for the purposes of clause 92.1(1)(q) unless the conseil scolaire, on or before December 1 in any year, requests the minister in writing not to make the deduction in respect of that year.

(5) The minister may prescribe the minimum or maximum amount of any grant to be paid under this section.

Capital grants to conseils scolaires

“306.2 Subject to section 306.3 and any terms or conditions that may be prescribed in the regulations, the minister may make a capital grant to a conseil scolaire to assist it in:

(a) the acquisition of school sites or buildings, by construction or purchase, for use as schools;

(b) the acquisition of materials and capital equipment necessary for the operation or renovation of schools;

(c) the construction of dental facilities for children in schools;

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

the acquisition of:

- (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.

#### Information required re conseil scolaire grants

"306.3(1) In order to provide for the proper administration of sections 306.1 and 306.2, the minister may require from each conseil scolaire, in the form and at the times that the minister may prescribe, any returns, statements, reports and information that the minister considers necessary.

(2) Where a conseil scolaire fails to comply with a request of the minister made pursuant to subsection (1), the minister may:

- (a) withhold the payment of the whole or any portion of any grant; or
- (b) cancel the payment of the whole or any portion of any grant;

which would otherwise be payable to the conseil scolaire under this Act or the regulations.

(3) The minister may apply, in the minister's discretion, any capital or operating grant due to a 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 a conseil scolaire are payable subject to the condition that the conseil scolaire and the francophone schools in the francophone education area under the jurisdiction of the conseil scolaire are organized, operated and maintained in accordance with this Act and the regulations.

#### Operating grants to conseil général

"306.4 Subject to section 306.5 and any terms and conditions that may be prescribed in the regulations, the conseil général is entitled to receive an operating grant made by the minister.

#### Information required re conseil général grants

"306.5(1) In order to provide for the proper administration of section 306.4, the minister may require from the conseil général, in the form and at the times that the minister may prescribe, any returns, statements, reports and information that the minister considers necessary.

(2) Where the conseil général fails to comply with a request of the minister made pursuant to subsection (1), the minister may:

- (a) withhold the payment of the whole or any portion of any grant; or
- (b) cancel the payment of the whole or any portion of any grant;

which would otherwise be payable to the conseil général under this Act or the regulations.

(3) The minister may apply, in the minister's discretion, any operating grant due to the conseil général in repayment of any indebtedness of the conseil général 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 général are payable subject to the condition that the conseil général is organized, operated and maintained in accordance with this Act and the regulations.

#### Set-off of payments owed by conseil scolaire to conseil général

"306.6 Any amount required to be paid by a conseil scolaire to the conseil général pursuant to clause 91.1(cc) that is due and owing and remains unpaid to the conseil général after the time period for payment prescribed in the regulations, may be deducted by the minister from any moneys owing to the conseil scolaire and paid over to the conseil général directly".

#### New heading preceding section 314

**144 The heading that precedes section 314 is amended by adding "OR CONSEIL SCOLAIRE" after "BOARD OF EDUCATION".**

#### New section 314.1

**145 The following section is added after section 314:**

#### Loans to conseil scolaire for current expenditures

"314.1(1) A conseil scolaire may, by resolution, authorize its président and its treasurer or secretary treasurer to borrow:

- (a) any sum of money that may be required for necessary expenditures of the conseil scolaire pending the

- receipt of revenues by the conseil scolaire, and any loan so made shall be paid out of and shall be a first charge on the revenues for the year in which the loan was made and may be secured by the promissory note or notes of the président and the treasurer or secretary treasurer given on behalf of the conseil scolaire; 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 306.1, where borrowing pursuant to clause (a) is insufficient to so provide.
- (2) Where a conseil scolaire borrows under clause (1)(b), the conseil scolaire shall, if requested to do so by the person making the loan, immediately notify the Minister of Finance and the department of the fact, giving particulars of the loan, and that notification is the authority to the Minister of Finance to repay the loan out of any operating grant that may thereafter become payable to the conseil scolaire pursuant to section 306.1.
- (3) Where the loan mentioned in subsection (2) is repaid out of the ordinary funds of the conseil scolaire, the conseil scolaire shall immediately cause to be filed 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, and that statement shall be sufficient to cancel the authority of the Minister of Finance to repay the loan out of any operating grants payable pursuant to section 306.1".

## Section 315 amended

**146(1) Subsection 315(1) is amended:**

- (a) by adding "or a conseil scolaire" after "board of education" in the portion that precedes clause (a); and
- (b) by adding "or the conseil scolaire, as the case may be," after "division" in clause (d).
- (2) **Subsection 315(2) is repealed and the following substituted:**  
 "(2) On the decision of a board of education or a conseil scolaire to borrow for any of the purposes mentioned in subsection (1), the board of education or the conseil scolaire, as the case may be, shall pass a bylaw for the purpose as provided by section 319".
- (3) **Subsection 315(3) is repealed and the following substituted:**  
 "(3) No moneys borrowed for any of the purposes mentioned in this section shall be used for any purpose other than that stated in the bylaw except where, on completion of the work stated in the bylaw, there remains an unexpended balance, in which case:
- (a) in the case of a board of education, the board of education may, by resolution citing the facts:
- (i) declare its intention to apply to the Saskatchewan Municipal Board for authority to use that balance for any of the purposes provided for in this section, and the Saskatchewan Municipal Board may grant the board of education permission to use the balance for any purposes and on any terms and conditions that may be considered expedient; or
  - (ii) declare its intention to apply to the minister for authority to use that balance for payment of debenture coupons next maturing, and the minister may grant permission to use the balance for those purposes upon any terms and conditions that may be considered expedient; or
- (b) in the case of a conseil scolaire, the conseil scolaire may, by resolution citing the facts, declare its intention to apply to the minister for authority to use that balance for any of the purposes provided for in this section and the minister may grant the conseil scolaire permission to use the balance for any purposes on any terms and conditions that the minister may consider expedient".
- (4) **The following subsection is added after subsection 315(5):**  
 "(6) The minister may authorize a conseil scolaire to secure a debt incurred under this section by promissory note or other form of security in favour of any person or institution and may fix the maximum rate of interest and the period within which such debt shall be repaid".

## New section 315.1

**147 The following section is added after section 315:**

## Minister may guarantee certain loans

- "315.1(1) In accordance with any terms and conditions that may be prescribed in the regulations, and subject to section 41 of *The Financial Administration Act*, 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, agreement 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 annually or more frequently in equal instalments 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”.

## Section 316 amended

**148(1) The following subsection is added after subsection 316(1):**

“(1.1) A resolution setting forth the intent to borrow under section 315 shall be passed by the conseil scolaire at a meeting duly called showing in detail:

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

**(2) The following subsection is added after subsection 316(2):**

“(2.1) On the passing of a resolution mentioned in subsection (1.1), the conseil scolaire shall immediately, in accordance with the regulations, give notice of its intention to make application to the minister pursuant to section 317.1, and shall fix one or more dates, not earlier than five days and not later than 15 days after giving of the notice, upon which voters may make personal or written representations and submissions to the conseil scolaire with respect to the proposed borrowing”.

**(3) The following subsection is added after subsection 316(3):**

“(3.1) For the purposes of subsection (2.1), one or more of the dates mentioned in the notice shall be designated with respect to the time and place fixed by the conseil scolaire for hearing and receiving submissions of voters by members of the conseil scolaire and for such consultation and discussion as members of the conseil scolaire or the voters in attendance may initiate with respect to the proposed borrowing”.

## Section 317 amended, new section 317.1

**149 Section 317 is repealed and the following substituted:**

## Application to Saskatchewan Municipal Board by board of education

“317 On the passing of a resolution mentioned in section 316, or at any time thereafter that the board of education considers appropriate, the board shall make application to the Saskatchewan Municipal Board for authorization of a loan and shall transmit a copy of the resolution signed by the chairman of the board and certified by the treasurer or secretary treasurer under the corporate seal of the division.

## Application to minister by conseil scolaire

“317.1 On the passing of a resolution mentioned in section 316, or at any time thereafter that the conseil scolaire considers appropriate, the conseil scolaire shall make application to the minister for authorization of a loan and shall transmit a copy of the resolution signed by the président of the conseil scolaire and certified by the treasurer or secretary treasurer under the corporate seal of the conseil scolaire”.

## Section 318 amended

**150 Subsection 318(1) is amended by striking out “the application and resolution” and substituting “an application and resolution mentioned in section 317”.**

## New section 318.1

**151 The following section is added after section 318:**

## Action by minister

“318.1(1) On receipt of an application and resolution mentioned in section 317.1, the minister shall take such action thereon as the minister considers advisable and, if the minister authorizes a loan, the minister shall immediately notify the conseil scolaire of the terms of the authorization.

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

## Section 319 amended

**152(1) The following subsection is added after subsection 319(1):**

"(1.1) Within 30 days of the day of the notification pursuant to section 318.1 that the loan has been authorized by the minister, the conseil scolaire shall pass a bylaw on the terms and in the form prescribed by the minister or in a similar form".

**(2) Subsection 319(2) is amended by adding "by a board of education" after "bylaw passed" in the portion that precedes clause (a).**

**(3) The following subsection is added after subsection (3):**

"(3.1) A bylaw passed by a conseil scolaire pursuant to subsection (1.1) shall be submitted to a vote of the voters:

(a) if a petition for a vote, signed by at least 20% of the voters in the francophone education area, is presented to the conseil scolaire within 30 days after the notice of intention mentioned in subsection 316(2.1) is given; or

(b) if the conseil scolaire, in consideration of such submissions and representations as may be received after the notice of intention mentioned in subsection 316(2.1) is given, considers it advisable to submit the question to a vote of the voters and, by its own resolution, so orders".

**(4) Subsection 319(4) is amended:**

**(a) by adding "or voters, as the case may be" after "electors" in the portion that precedes clause (a); and**

**(b) by adding "or the conseil scolaire, as the case may be," after "division" in clause (b).**

**(5) The following subsection is added after subsection 319(6):**

"(7) A conseil scolaire may, by bylaw, make any changes in a bylaw that the conseil scolaire considers expedient, but no change to a bylaw shall be effective until the change is approved by the minister".

Section 320 amended

153 **Section 320 is amended by adding "or a conseil scolaire, as the case may be," after "board of education".**

Section 321 amended

154 **Section 321 is repealed and the following substituted:**

Procedure for poll on bylaw

"321(1) Where a bylaw passed by a board of education is to be submitted for the assent of the electors pursuant to section 319, the vote on the bylaw is to be held in accordance with *The Local Government Election Act*.

(2) Where a bylaw passed by a conseil scolaire is to be submitted for the assent of the voters pursuant to section 319, the vote on the bylaw is to be held in accordance with the regulations".

Section 346 amended

155 **Section 346 is amended:**

**(a) by adding "or a conseil scolaire" after "school division"; and**

**(b) by adding "or the conseil scolaire, as the case may be" after "board of education".**

Section 347 amended

156(1) **Subsection 347(1) is amended:**

**(a) by adding "and a conseil scolaire may, subject to clause 91.1(d) and the regulations," after "board of education may, subject to clause 91(d) and the regulations,";**

**(b) by repealing clause (b) and substituting the following:**

"(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 division, in the case of a board of education or in or outside the francophone education area, in the case of a conseil scolaire"; and

**(c) by adding "or the conseil scolaire, as the case may be" after "the board" in clause (f).**

**(2) Subsection 347(2) is repealed and the following substituted:**

"(2) Any board of education or any conseil scolaire may, subject to the other provisions of this Act and to the approval of the minister, enter into an agreement with one or more boards of education, conseils scolaires, persons or municipalities for the joint construction, ownership, lease, maintenance, operation or use of a public work or building, and may authorize expenditures out of the funds of the division or conseil scolaire, as the case may be".

Section 350 amended

157(1) **Subsection 350(1) is amended by adding "or a conseil scolaire" after "board of education".**

**(2) Subsection 350(2) is amended:**

**(a) by adding "or a conseil scolaire, as the case may be," after "board of education" in the portion that**

- precedes clause (a); and**  
**(b) by adding "or a conseil scolaire" after "school division" in subclause (b)(ii).**
- (3) Subsection 350(3) is amended:**  
**(a) by adding "or the conseil scolaire, as the case may be," after "board of education" in the portion that precedes clause (a); and**  
**(b) by repealing clause (c) and substituting the following:**  
 "(c) accept a tender or bid only if:  
 (i) in the case of a board of education, the board is of the opinion that the interests of the division in the property are adequately protected;  
 (ii) in the case of a conseil scolaire, the conseil scolaire is of the opinion that the interests of the conseil scolaire in the property are adequately protected; and  
 (iii) the approval of the minister has been obtained, where required".
- (4) Subsection 350(4) is repealed and the following substituted:**  
 "(4) Where a board of education or a conseil scolaire proposes:  
 (a) to sell or transfer property to or exchange property with the council of a municipality for the purpose of facilitating community planning; or  
 (b) to sell property to or exchange property with a board of education, a conseil scolaire, the Crown in right of Saskatchewan or the Crown in right of Canada, if the property is to be used by that proposed board or conseil scolaire or by the Crown in right of Saskatchewan or the Crown in right of Canada for the purpose of a school, an educational purpose or another public purpose;  
 the board or the conseil scolaire, as the case may be, may enter into an agreement with the council of the municipality, the board of education, the conseil scolaire or the Crown in right of Saskatchewan or the Crown in right of Canada to sell, transfer or exchange the property, as the case may be, without having to request tenders or arrange for a public auction".

## Section 351 amended

158 **Section 351 is amended:**

- (a) by striking out "A board of education" and substituting "Every board of education and every conseil scolaire"; and**  
**(b) by adding "or the conseil scolaire, as the case may be," after "detail as the board".**

## Section 352 amended

159 **Section 352 is amended by adding "or a conseil scolaire, as the case may be," after "board of education".**

## Section 353 amended

160 **Section 353 is repealed and the following substituted:**

## Location of schools and teacher residences

"353 Subject to the regulations, where it is determined by a resolution of the board of education or the conseil scolaire that:

- (a) a new school building; or  
 (b) where a school division or a francophone education area is located in the Northern Saskatchewan Administration District, a new teacher's residence;

is required for the purposes of the division or the conseil scolaire, as the case may be, the board or the conseil scolaire, as the case may be, shall decide where the building is to be situated and shall acquire the land necessary to be used as a site for that building".

## Section 354 amended

161(1) **Subsection 354(1) is amended:**

- (a) by adding "or a conseil scolaire" after "board of education";**  
**(b) by adding "or a conseil scolaire" after "where a board"; and**  
**(c) by adding "or the conseil scolaire, as the case may be," after "the board".**

**(2) Subsection 354(2) is amended by adding "or the conseil scolaire, as the case may be," after "board of education".**

## Section 355 amended

**162 Section 355 is amended:**

- (a) by adding "or a conseil scolaire" after "board of education" in the portion that precedes clause (a); and
- (b) by adding "or a francophone education area" after "school division" in clause (c).

## Section 356 amended

163 **Clause 356(d) is amended by adding** "or the conseil scolaire, as the case may be," after "the board of education".

## Section 357 amended

**164 Section 357 is amended:**

- (a) by renumbering it as subsection (1); and
  - (b) by adding the following subsection after subsection (1):
- "(2) For the purposes mentioned in clause 91.1(k), a conseil scolaire may, subject to section 358:
- (a) acquire, by purchase or lease out of the funds of the conseil scolaire, any vehicles that it considers necessary and expedient to provide transportation services for pupils;
  - (b) enter into a contract for the provision of transportation services to some or all of the pupils in the francophone education area".

## Section 358 amended

**165 Section 358 is amended:**

- (a) by adding "or a conseil scolaire" after "board of education"; and
- (b) by adding "or the conseil scolaire, as the case may be," after "the board".

## Section 359 amended

166 **Subsection 359(1) is amended by adding** "or the conseil scolaire" after "by the division".

## Section 367 amended

**167 Section 367 is amended:**

- (a) by renumbering it as subsection (1); and
  - (b) by adding the following subsection after subsection (1):
- "(2) Any trustee, officer or employee of a conseil scolaire who, after ceasing to hold office, retains any money, 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 money, 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".

## Section 369 amended

**168 Section 369 is amended:**

- (a) by striking out "enters any school premises" in clause (a) and substituting "enters the premises of any school in a school division"; and
  - (b) by adding the following clause after clause (a):
- "(a.1) as an agent or salesman, enters the premises of any fransaskois school in a francophone education area without the authorization of the président of the conseil scolaire or the director".

## Section 370 amended

**169 The following subsections are added after subsection 370(2):**

- "(2.1) No member of a conseil scolaire or teacher or officer of a conseil scolaire shall receive any remuneration, either directly or indirectly, as agent for the sale of furnishings, apparatus or equipment or any other merchandise whatever for the use of a conseil scolaire of which he or she is a member or a teacher or officer.
- "(2.2) No person shall employ as agent for the sale of merchandise mentioned in subsection (1) any member of a conseil scolaire or any teacher or officer".

## Section 371 amended

170(1) **The following subsection is added after subsection 371(1):**

“(1.1) All public documents of a conseil scolaire shall be preserved by the conseil scolaire until their disposal is authorized by a resolution of the conseil scolaire and approved by the minister”.

**(2) Subsection 371(2) is amended by adding “or a conseil scolaire” after “board of education”.**

Section 372 amended

**171 Subsection 372(1) is amended:**

**(a) by adding the following clauses after clause (a):**

“(a.1) excluding any program that is offered either in Saskatchewan or outside of Saskatchewan from the definition of French immersion program;

“(a.2) prescribing and requiring the use of forms for the purposes of this Act or the regulations”;

**(b) by repealing clause (f) and substituting the following:**

“(f) for professional development programs for teachers which are conducted under the auspices of the department or in co-operation with organizations of teachers or organizations of boards of education, conseils scolaires or boards of education and conseils scolaires or the conseil général”;

**(c) by adding “or the conseil scolaire” after “division” in clause (i);**

**(d) by adding “or conseils scolaires” after “boards of education” in clause (l);**

**(e) by adding “conseil scolaire,” after “board of education,” in clause (n);**

**(f) by adding “or by a conseil scolaire pursuant to section 172.1” after “pursuant to section 172” in clause (r.1); and**

**(g) by adding the following clauses after clause (r.4):**

“(r.5) respecting the elections of conseils scolaires;

“(r.6) respecting or requiring payments by conseils scolaires to the conseil général;

“(r.7) prescribing any terms and conditions:

(i) under which the minister may guarantee a loan pursuant to section 315.1; or

(ii) of a guarantee provided by the minister pursuant to section 315.1;

“(r.8) respecting the manner in which a vote on a bylaw mentioned in subsection 321(2) is to be conducted;

“(r.9) respecting any matter pertaining to the governance of francoskois schools, including the activities of conseils scolaires or the conseil général”.

#### CONSEQUENTIAL AMENDMENTS

R.S.S. 1978, c.A-31 amended

**172(1) *The Association of School Business Officials of Saskatchewan Act* is amended as set forth in this section.**

**(2) Clause 1.1(b) is amended by adding “or a conseil scolaire” after “board of education”.**

**(3) Subsection 18(2) is amended by adding “or conseil scolaire” after “board of education”.**

R.S.S. 1978, c.D-8 amended

**173 Subsection 12(1) of *The Department of Agriculture Act* is amended by adding “conseils scolaires,” after “school boards,”.**

R.S.S. 1978, c.D-17 amended

**174 Subsection 11(1) of *The Department of Health Act* is amended by striking out “or school unit” and substituting “, school unit or conseil scolaire”.**

R.S.S. 1978, c.E-16 amended

**175 Subsection 3(3) of *The Expropriation Procedure Act* is amended by striking out “or school board” and substituting “, school board or conseil scolaire”.**

S.S. 1979-80, c.F-15.01 amended

**176 Subsection 21(3) of *The Fire Prevention Act, 1980* is amended by striking out “or school divisions” and substituting “, school divisions or conseils scolaires”.**

S.S. 1980-81, c.J-4.1 amended

**177 Clause 4(c.1) of *The Jury Act, 1981* is repealed and the following substituted:**

“(c.1) members of boards of education referred to in section 32 of *The Education Act*, members of conseils

scolaires referred to in section 32.1 of *The Education Act*, and members of boards of trustees referred to in section 123 of *The Education Act*".

S.S. 1990-91, c.L-9.02 amended

178(1) *The League of Educational Administrators, Directors and Superintendents Act, 1991* is amended as set forth in this section.

(2) The following clause is added after clause 2(d):

"(d.1) `conseil scolaire' means a conseil scolaire as defined in *The Education Act*".

(3) Section 25 is amended:

(a) by adding "or a conseil scolaire" after "board of education" in subsection (1); and

(b) in subsection (3):

(i) by adding "or a conseil scolaire" after "a board of education" in clause (b); and

(ii) by adding "or conseil scolaire" after "that board of education" in the portion following clause

(c).

(4) Clause 28(2)(a) is amended by striking out "or a board of education" and substituting ", a board of education, or a conseil scolaire" after "board of education".

(5) Section 30 is amended:

(a) by adding "and the treasurer of each conseil scolaire," after "each school division" in subsection (2); and

(b) by adding "or the conseil scolaire," after "the school division" in subsection (3).

R.S.S. 1978, c.L-14 amended

179 Subsection 10(1) of *The Libel and Slander Act* is amended by adding "conseil scolaire," after "school board,".

S.S. 1990-91, c.L-27.1 amended

180 Subclause 2(f)(viii) of *The Local Authority Freedom of Information and Protection of Privacy Act* is amended by striking out "a board of education" and substituting "any board of education or conseil scolaire".

R.S.S. 1978, c.M-26 amended

181 The following subclause is added after subclause 2(r)(ii) of *The Municipal Employees' Superannuation Act*:

"(ii.1) the conseil scolaire of every francophone education area, and the conseil général".

S.S. 1983, c.N-5.1 amended

182(1) *The Northern Municipalities Act* is amended in the manner set forth in this section.

(2) Section 2 is amended:

(a) by adding the following clause after clause 2(1)(e):

"(e.1) `conseil scolaire' means a conseil scolaire within the meaning of *The Education Act*"; and

(b) by adding the following clause after clause (j):

"(j.01) `francophone education area' means a francophone education area within the meaning of *The Education Act*".

(3) Subsection 54.2(1) is amended by striking out "in respect of its non-teaching staff," and substituting ", with a conseil scolaire, or with a board of education and a conseil scolaire with respect to the non-teaching staff of the board of education, the conseil scolaire, or the board of education and the conseil scolaire, as the case may be,".

(4) The following clause is added after clause 131(1)(b):

"(b.1) any conseil scolaire for a francophone education area".

(5) Clause 226(1)(e) is amended by striking out "or school district" and substituting ", a school district, a conseil scolaire, or the conseil général".

S.S. 1983-84, c.P-13.1 amended

183(1) *The Planning and Development Act, 1983* is amended in the manner set forth in this section.

(2) The following clause is added after clause 2(c):

"(c.1) `conseil scolaire' means a conseil scolaire as defined in *The Education Act*".

**(3) Section 198 is amended:**

(a) **in subsection (1), by striking out** "Any municipality and board of education may enter into an agreement" **and substituting** "Any municipality may enter into an agreement with a board of education, with a conseil scolaire, or with a board of education and a conseil scolaire"; **and**

**(b) in subsection (2):**

(i) **by adding** ", a municipality and a conseil scolaire, or a municipality and a board of education and a conseil scolaire" **after** "a municipality and a board of education"; **and**

(ii) **by adding** ", to the conseil scolaire, or to the board of education and the conseil scolaire, as the case may be" **after** "leased to the board of education".

R.S.S. 1978, c.R-22 amended

184 **Subsection 17(1) of the STATUTORY CONDITIONS contained in subsection 20(1) of *The Residential Tenancies Act* is amended by striking out** "or school board" **and substituting** "or to a school board or a conseil scolaire".

S.S. 1989-90, c.R-26.1 amended

185 **Clause 331(1)(d) of *The Rural Municipality Act, 1989* is amended by adding** ", a conseil scolaire, or the conseil général" **after** "a school division".

R.S.S. 1978, c.S-3 amended

186 **Subclause 2(1)(g)(iii) of *The Sale of Training Courses Act* is amended by adding** "or a conseil scolaire" **after** "board of education".

R.S.S. 1978, c.S-24 amended

187 **Clause 19(2)(a) of *The Saskatchewan Housing Corporation Act* is amended by adding** ", conseil scolaire," **after** "a school board".

S.S. 1979, c.S-24.1 amended

188 **Subsection 16(5) of *The Saskatchewan Human Rights Code* is amended:**

(a) **by striking out** "or a board of education" **and substituting** ", board of education, or conseil scolaire"; **and**

(b) **by striking out** "or board of education" **and substituting** ", board of education, or conseil scolaire".

S.S. 1986-87-88, c.S-32.3 amended

189 **Subclause 2(1)(ii) of *The Saskatchewan Property Management Corporation Act* is amended by adding** "conseil scolaire, the conseil général, or any" **after** "board of education or".

S.S. 1984-85-86, c.T-6.1 amended

190 **Section 2 of *The Teachers' Dental Plan Act* is amended:**

(a) **by adding the following clause after clause (b):**

"(b.1) `conseil scolaire' means a conseil scolaire as defined in *The Education Act*";

(b) **by adding** "or a conseil scolaire" **after** "board of education" **in subclause (f)(i); and**

(c) **by adding** ", the conseil scolaire," **after** "board of education" **in clause (g).**

R.S.S. 1978, c.T-7 amended

191(1) ***The Teachers' Federation Act* is amended in the manner set forth in this section.**

(2) **Clause 1.1(a) is repealed and the following substituted:**

"(a) `conseil scolaire' means a conseil scolaire as defined in *The Education Act*;

"(a.1) `school division' means a school division designated pursuant to section 18 of *The Education Act* and includes a public school division, separate school division and high school division".

(3) **Section 26 is amended by adding** "and the treasurer of each conseil scolaire" **after** "treasurer of each school division".

(4) **Subsection 30(2) is amended:**

(a) **by adding** "and the treasurer of each conseil scolaire" **after** "treasurer of each school division"; **and**

(b) **by adding** "and the secretary of each conseil scolaire" **after** "the secretary of each school division".

(5) **Subclause 54(1)(a)(iii) is amended by adding** "or by a conseil scolaire" **after** "as defined in *The Education*

*Act*".

R.S.S. 1978, c.T-8 amended

192(1) *The Teachers' Life Insurance (Government Contributory) Act* is amended in the manner set forth in this section.

(2) Section 1.1 is amended in the portion that precedes clause (a):

(a) by adding "and in the case of a conseil scolaire as defined in *The Education Act*," after "as defined in *The Education Act*"; and

(b) by adding "or the conseil scolaire, as the case may be" after "by the board".

(3) Section 2 is amended:

(a) by repealing clause (a) and substituting the following:

"(a) boards of education and conseils scolaires, as defined in *The Education Act*, with respect to all teachers employed on a full-time basis by a board of education or a conseil scolaire, as the case may be";

(b) by adding "of education or a conseil scolaire" after "full-time basis by a board" in clause (d.1); and

(c) by adding "or a conseil scolaire" after "a board of education" in clause (d.2).

(4) Subsection 5(1) is amended by adding "or conseils scolaires for francophone education areas" after "boards of education of school divisions".

(5) Section 7 is amended:

(a) in clause (a):

(i) by adding "of education or a conseil scolaire" after "request a board"; and

(ii) by striking out "by the board and the board" and substituting "by the board of education or by the conseil scolaire, as the case may be, and the board of education or the conseil scolaire, as the case may be,"; and

(b) by adding "of education or to a conseil scolaire" after "to a board" in clause (b).

(6) Section 8 is amended by adding "of education or a conseil scolaire" after "treasurer of a board".

(7) Subsection 11(2) is amended:

(a) by repealing clause (b) and substituting the following:

"(b) requiring any board of education or any conseil scolaire to which this Act applies to make returns with respect to teachers employed by the board of education or the conseil scolaire"; and

(b) by adding "of education, a conseil scolaire," after "to be used by a board" in clause (e).

R.S.S. 1978, c.T-9 amended

193(1) *The Teachers' Superannuation Act* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended:

(a) by adding the following subclause after subclause (b)(ii):

"(ii.1) a conseil scolaire as defined in *The Education Act*";

(b) by adding "or conseil scolaire, as defined in *The Education Act*," after "school division" in clause (n).

(3) Subclause 3(c.1)(i) is amended by adding "or a conseil scolaire" after "board of education".

(4) Subsection 48(2) is amended by adding "or a conseil scolaire" after "school board":

(a) in clause (b); and

(b) in clause (c).

S.S. 1983-84, c.U-11 amended

194(1) *The Urban Municipality Act, 1984* is amended in the manner set forth in this section.

(2) The following clause is added after clause 2(1)(e):

"(e.1) 'conseil scolaire' means a conseil scolaire as defined in *The Education Act*".

(3) The following clause is added after clause 175(2)(b):

"(b.1) the conseils scolaires for francophone education areas, as defined in *The Education Act*".

(4) Clause 275(1)(e) is amended by adding "a conseil scolaire, or the conseil général" after "occupied by a school division".

S.S. 1979, c.W-17.1 amended

195(1) *The Workers' Compensation Act, 1979* is amended in the manner set forth in this section.

(2) Subclause 2(f)(ii) is amended by striking out "and school boards," and substituting "school boards, and conseils scolaires,".

**(3) Section 4 is amended:**

**(a) by adding the following clause after clause (g):**

**“(g.1) a conseil scolaire”; and**

**(b) by adding “conseil scolaire,” after “commission, board, school board,”.**

COMING INTO FORCE

Coming into force

196 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.