

The School Division Administration Regulations

being

Chapter E-0.2 Reg 26 (effective September 1, 2017) as amended by Saskatchewan Regulations [27/2018](#).

NOTE:

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

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CHAPTER E-0.2 REG 26

The Education Act, 1995

PART 1

Preliminary Matters

Title

1 These regulations may be cited as *The School Division Administration Regulations*.

Definitions

2 In these regulations:

“**Act**” means *The Education Act, 1995*;

“**business day**” means a day other than a Saturday, Sunday or holiday;

“**Form**” means a Form set out in the Appendix.

1 Sep 2017 cE-0.2 Reg 26 s2.

Application

3(1) Parts 1 to 10 of these regulations apply to boards of education and school divisions.

(2) Parts 1, 3, 4, 5, 7, 8 and 9 of these regulations also apply to the conseil scolaire and the division scolaire francophone.

1 Sep 2017 cE-0.2 Reg 26 s3.

PART 2

Establishment of School Divisions and Subdivisions

School divisions and subdivisions

4(1) If a school division comprises an area greater than 1 295 square kilometres, the minister shall divide the school division into any number of subdivisions that may be required for the purposes of the election of the members of the board of education.

(2) If a school division comprises an area of 1 295 square kilometres or less, the board of education shall apply to the minister to have a school division divided into subdivisions if a majority of electors in the school division who cast a ballot in a vote indicate that they wish to have the school division divided into subdivisions.

(3) On receipt of an application pursuant to subsection (2), the minister may divide the school division into subdivisions in accordance with this section.

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

- (5) If a school division includes a city or town and there is to be more than one member of the board of education representing the city or town, the minister may:
- (a) divide the entire school division into subdivisions;
 - (b) divide only that portion of the school division located outside the city or town into subdivisions;
 - (c) divide only that portion of the school division located inside the city or town into subdivisions; or
 - (d) decide not to divide the school division into subdivisions.

1 Sep 2017 cE-0.2 Reg 26 s4.

Election of subdivision representatives

- 5(1) If a school division is divided into subdivisions pursuant to clause 4(5)(b):
- (a) subject to subsection (3), one person is to be elected as a member of the board of education from each subdivision; and
 - (b) the other members of the board of education are to be elected at large from the area of the school division located inside the city or town.
- (2) If a school division is divided into subdivisions pursuant to clause 4(5)(c):
- (a) subject to subsection (3), the electors of each subdivision of the city or town shall elect one member as the member of the board of education for that subdivision; and
 - (b) the members of the board of education to be elected from the area of the school division located outside the city or town are to be elected at large by the electors resident in the area located outside the city or town.
- (3) Notwithstanding subsection (1) or (2), if a school division is divided into subdivisions pursuant to clause 4(5)(b) or (c), the minister may approve a request from the board of education to allow for the election of more than one representative from each subdivision to serve as members of the board of education if:
- (a) the board of education submits the request to the minister in writing;
 - (b) the request is received by the minister on or before January 1 of the year in which an election of members of the board of education is to be held; and
 - (c) based on the evidence submitted by the board of education in support of its request, the minister is satisfied that:
 - (i) the board of education has passed a resolution in support of the election of more than one representative from the subdivision of the school division;
 - (ii) the total number of members of the board of education to be elected will not exceed the maximum number of members permitted by order made pursuant to clause 6(1)(a); and

(iii) the proposed number of representatives to be elected from the subdivision is reasonable based on:

- (A) the population distribution within the school division and its subdivisions;
- (B) the geographic layout of the school division; and
- (C) the transportation patterns within the school division.

1 Sep 2017 cE-0.2 Reg 26 s5.

Order establishing school division - first election

6(1) Every minister's order made pursuant to section 42 of the Act establishing a school division must:

- (a) subject to subsection 7(7), state the number of members that constitutes the board of education, which shall be not less than 5 nor more than 10; and
- (b) provide for the holding of an election of the members of the board of education and for all matters necessary and incidental to the holding of that election, including:
 - (i) the designation of the date on which the newly elected members assume office; and
 - (ii) the designation of the last date for the receipt of nominations.

(2) The term of office of members elected in accordance with subsection (1) expires at the first meeting of the board of education elected at the next general election held after the day on which those members assumed office.

(3) By order made pursuant to section 42 of the Act, the minister may:

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

(4) If the minister makes an order in accordance with subsection (3), the first members of the board of education of the new school division:

- (a) constitute a corporation in accordance with subsection 61(3) of the Act as at the date on which they assume office; and
- (b) until the new school division is established, shall:
 - (i) have only those purposes, powers, duties and authority mentioned in the Act and these regulations that the minister may specify in the order establishing the school division, or in any subsequent order;
 - (ii) be absolved from carrying out those duties and functions mentioned in the Act and these regulations that the minister may specify in the order establishing the school division, or in any subsequent order; and
 - (iii) be entitled only to those grants and other benefits mentioned in the Act and these regulations that the minister may specify in the order establishing the school division, or in any subsequent order.

1 Sep 2017 cE-0.2 Reg 26 s6.

Alteration of boundaries of school division or subdivision

7(1) Subject to subsection 54(2) of the Act, the minister may, by order, alter the boundaries of a school division or a subdivision:

- (a) on the petition of one or more electors with respect to parcels of land owned or leased by the elector or electors;
 - (b) on the request, separately or jointly, of two or more boards of education with respect to land that is within, or contiguous to, the school divisions concerned;
 - (c) on the request of a board of education; or
 - (d) if the minister considers it to be in the interests of education to do so.
- (2) If a school division includes most or all of a city or town and the limits of that city or town are altered to include lands that are not within the school division, the boundaries of the school division are deemed to be similarly altered to include those lands.

(3) The minister may, by order:

- (a) create a subdivision and provide for the election and term of office of a member to represent the subdivision on the board of education;
- (b) create a subdivision consisting of one or more Indian reserves or parts of Indian reserves if the board of education has entered into an agreement with an Indian band or with the Government of Canada;
- (c) transfer any subdivision created pursuant to clause (b) from one school division to another school division if the council of one of the Indian bands or the councils of the Indian bands in the subdivision and the school divisions to be affected by the transfer agree to the transfer;
- (d) disestablish a subdivision; or
- (e) renumber subdivisions.

(4) The minister may, by order, alter the boundaries of a school division to incorporate one or more Indian reserves or parts of Indian reserves into the school division, without creating a subdivision, if:

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

(5) The minister may, by order, transfer any area incorporated into a school division pursuant to subsection (4) from one school division to another school division if the Indian band or Indian bands, as the case may be, and the school divisions affected by the transfer agree to the transfer.

(6) The minister may exercise the authority vested in him or her pursuant to clause (3)(b) if the school division in which the subdivision is to be created is not divided into subdivisions.

- (7) If a subdivision is created pursuant to clause (3)(b), the number of members of the board of education is to be increased by one member for that subdivision notwithstanding the maximum number of members permitted pursuant to clause 6(1)(a).
- (8) In accordance with the procedures set out in *The Local Government Election Act, 2015*, the electors:
- (a) in each subdivision created pursuant to subsection (6) shall elect one member of the board of education; and
 - (b) in that portion of a school division that is not divided into subdivisions in which a subdivision is newly created pursuant to subsection (6) shall elect the remaining members of the board of education at large.
- (9) In accordance with subsection 54(3) of the Act, every minister's order made pursuant to this section must be published in the Gazette.
- (10) The minister shall cause a copy of an order made pursuant to clause (3)(b) or (c) to be forwarded to:
- (a) the council of the Indian band or councils of the Indian bands in the subdivision mentioned in the order; and
 - (b) each board of education affected by the order.

1 Sep 2017 cE-0.2 Reg 26 s7.

Continued use of corporate seal

8 If, in accordance with section 57 of the Act, the minister, by order, changes the name or the number of a school division, the seal previously used by the board of education continues to be the seal of the school division until it is changed by the board of education.

1 Sep 2017 cE-0.2 Reg 26 s8.

PART 3

Members of Boards of Education and the Conseil Scolaire

Declaration of office

- 9(1) Form A is the form to be used for a declaration of office pursuant to subsection 71(1) of the Act.
- (2) Form B is the form to be used for a certificate by a commissioner for oaths pursuant to subsection 71(2) of the Act.
- (3) For the purposes of the conseil scolaire, Forms A and B apply, with any necessary modification.

1 Sep 2017 cE-0.2 Reg 26 s9.

Disqualification of member

10(1) A member of a board of education or the conseil scolaire must vacate his or her office if any one of the following applies to him or her:

- (a) the member is convicted of an indictable offence;
 - (b) the member is absent from 3 or more consecutive meetings of the board of education or the conseil scolaire without the authorization of the board of education or the conseil scolaire to do so;
 - (c) the member ceases to be eligible for election as a member:
 - (i) pursuant to *The Local Government Election Act, 2015*, in the case of a member of a board of education; or
 - (ii) pursuant to the Act, in the case of a member of the conseil scolaire;
 - (d) in the case of a member of the conseil scolaire, the member no longer meets the criteria to be a candidate as set out in subsection 65(1) or (2) of the Act;
 - (e) **Repealed.** 27 Apr 2018 SR 27/2018 s2.
- (2) If a member of a board of education or the conseil scolaire is charged with or convicted of a criminal offence, the member must immediately notify the board of education or the conseil scolaire, as the case may be.
- (3) If a member is required to vacate his or her office pursuant to subsection (1), the remaining members must:
- (a) declare that office to be vacant; and
 - (b) immediately notify the minister of the vacancy.

1 Sep 2017 cE-0.2 Reg 26 s10; 27 Apr 2018 SR 27/2018 s2.

Conflict of interest

11(1) No member of a board of education or of the conseil scolaire shall:

- (a) be or become directly interested in any contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;
 - (b) participate directly in the profit or in any benefit or emolument arising from a contract entered into by or on behalf of the board of education or the conseil scolaire of which he or she is a member;
 - (c) accept any office or place of emolument under the board of education or the conseil scolaire of which he or she is a member; or
 - (d) perform any duty, transact any business or do anything whatever in any character or capacity for or in expectation of any fee, gain or reward for or on behalf of the board of education or the conseil scolaire of which he or she is a member.
- (2) A member of a board of education or the conseil scolaire who contravenes subsection (1) must vacate his or her office as a member of the board of education or the conseil scolaire.

- (3) If a member of a board of education or the conseil scolaire vacates his or her office pursuant to subsection (2), the remaining members of the board of education or the conseil scolaire must immediately notify the minister of the vacancy.
- (4) Nothing in this section extends to or disqualifies as a member of a board of education or the conseil scolaire any person who:
- (a) enters into a contract with the board of education or the conseil scolaire, as the case may be, for the sale to the board of education or the conseil scolaire of a school site;
 - (b) has received an amount not exceeding \$200 in any one year for labour authorized by and supplied to the board of education or the conseil scolaire;
 - (c) enters into a contract with the board of education or the conseil scolaire for the sale of utilities, services or merchandise in an amount or amounts that in total do not exceed \$500 in any one year;
 - (d) receives payment on account of or in lieu of the cost of transportation or other allowances payable to him or her as the parent or guardian of a pupil; or
 - (e) is a shareholder in or is employed by a company that has dealings or contracts with the board of education or the conseil scolaire for the supply of utilities, goods or services, but that person shall not vote as a member of the board of education or the conseil scolaire on any matter affecting that company.
- (5) Notwithstanding subsection (1), a member of a board of education or the conseil scolaire may have an interest in a contract with the board of education or the conseil scolaire, as the case may be, for goods and services if:
- (a) the goods and services are not readily obtainable from some other person in the school division or the francophone education area;
 - (b) the price of goods and services to be obtained is reasonable; and
 - (c) every member of the board of education or the conseil scolaire present and eligible to vote at a meeting of the board of education or the conseil scolaire votes in favour of the contract.
- (6) Notwithstanding subsection (1) but subject to any terms and conditions that the board of education or the conseil scolaire considers proper, a board of education or the conseil scolaire may include any or all members of the board of education or the conseil scolaire in a benefit fund maintained for the benefit of its employees.

1 Sep 2017 cE-0.2 Reg 26 s11.

Ouster of member

12(1) Five or more electors in a school division may apply, without notice, to a judge of the Court of Queen's Bench for an order described in subsection (4) respecting a member of a board of education of that school division if the electors submit in their affidavits that the member:

- (a) is guilty of contravening section 11;
- (b) is guilty of gross neglect of duty;
- (c) has wilfully or negligently contravened the Act or the regulations; or
- (d) is unfit for any reason to act as a member of the board of education.

- (2) Five or more voters in the division scolaire francophone may apply, without notice, to a judge of the Court of Queen's Bench for an order described in subsection (4) respecting a member of the conseil scolaire if the voters submit in their affidavits that the member:
- (a) is guilty of contravening section 11;
 - (b) is guilty of gross neglect of duty;
 - (c) has wilfully or negligently contravened the Act or the regulations; or
 - (d) is unfit for any reason to act as a member of the conseil scolaire.
- (3) The electors or voters must pay the required amount into court as security for costs when making their application.
- (4) The electors or voters may apply for an order that:
- (a) grants leave to serve a notice of application directed to the member of the board of education or the conseil scolaire; and
 - (b) requires that member to show cause why the member should not be removed from office.
- (5) The judge may:
- (a) direct the manner in which a notice of application is to be served; and
 - (b) fix the time when and place where the notice of application is returnable.
- (6) If, on the return of the notice of application mentioned in subsection (5), the judge on affidavit or oral evidence finds that the member is unfit to act as a member of the board of education or conseil scolaire for any reason set out in subsection (1) or (2), the judge shall make an order ousting the member from office.
- (7) The judge may make any order as to costs that is appropriate in the circumstances.
- (8) No person is eligible for election as a member of any board of education or the conseil scolaire for a period of 4 years after the date of his or her ouster from office pursuant to this section.

1 Sep 2017 cE-0.2 Reg 26 s12.

Removal of member

- 13(1)** Subject to subsection (2), on the recommendation of the minister, the Lieutenant Governor in Council may, at any time, by order, remove a member of a board of education or the conseil scolaire from office if the Lieutenant Governor in Council considers it in the public interest to do so.
- (2) Before the Lieutenant Governor in Council exercises the power conferred on it pursuant to subsection (1):
- (a) the minister must, in accordance with clause 4(1.1)(j) of the Act, appoint an official trustee to examine the conduct of the member whom the Lieutenant Governor in Council is considering removing; and
 - (b) the Lieutenant Governor in Council must consider the report prepared by the official trustee respecting the member's conduct.

- (3) A person who is removed from office pursuant to this section immediately ceases to hold office on the making of the order.
- (4) No person is eligible for election as a member of any board of education or the conseil scolaire for a period of 4 years after the date of his or her removal from office pursuant to this section.
- (5) As part of the order issued pursuant to this section, the Lieutenant Governor in Council may direct the board of education or the conseil scolaire, as the case may be, to take any action that the Lieutenant Governor in Council considers appropriate.

1 Sep 2017 cE-0.2 Reg 26 s13.

PART 4

Meetings of Boards of Education and the Conseil Scolaire

Organizational meeting

- 14(1) A board of education must hold an organizational meeting:
 - (a) within 30 days after the election of the board of education; and
 - (b) in every following year before November 30.
- (2) At each organizational meeting, the board of education must select:
 - (a) a chairperson; and
 - (b) a vice-chairperson to act in the absence of the chairperson.
- (3) The conseil scolaire must hold an organizational meeting every year before November 30.
- (4) At each organizational meeting, the conseil scolaire must select:
 - (a) a président; and
 - (b) a vice-président to act in the absence of the président.

1 Sep 2017 cE-0.2 Reg 26 s14.

Other meetings

- 15(1) A board of education must meet:
 - (a) at least 6 times in each year at the times fixed by a resolution of the board of education; and
 - (b) at any other time at the call of the chairperson or any 3 members of the board of education.
- (2) The conseil scolaire must meet:
 - (a) at least 6 times in each year at the times fixed by resolution of the conseil scolaire; and
 - (b) at any other time at the call of the président or any 3 members of the conseil scolaire.

1 Sep 2017 cE-0.2 Reg 26 s15.

Notice of meetings

16(1) If a board of education or the conseil scolaire at any meeting at which all the members are present decides by resolution to hold regular meetings on or at predetermined dates, times and places, no further or other notice of those meetings is necessary.

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

- (a) at least 6 business days' notice by registered mail;
- (b) written notice delivered in person at least 3 business days before the meeting;
- (c) written notice left with an adult person at a member's place of residence at least 3 business days before the meeting; or
- (d) written notice in an electronic form that complies with section 9 of *The Electronic Information and Documents Act, 2000* at least 3 business days before the meeting.

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

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

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

1 Sep 2017 cE-0.2 Reg 26 s16.

Quorum

17(1) A majority of the members of a board of education constitute a quorum for the purposes of conducting a meeting of the board of education.

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

1 Sep 2017 cE-0.2 Reg 26 s17.

Exercise of powers, validity of proceedings

18(1) Except as otherwise provided in the Act and the regulations, every board of education and the conseil scolaire may, by resolution or bylaw, perform the duties imposed and exercise the powers conferred on it by the Act and the regulations, but no act or proceeding of a board of education or the conseil scolaire that is adopted at a meeting at which a quorum of the board of education or the conseil scolaire is not present is valid or binding.

(2) If the number of members of a board of education has been reduced to less than a quorum, no business of the school division shall be transacted by the remaining members until the vacancies have been filled pursuant to *The Local Government Election Act, 2015*.

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

1 Sep 2017 cE-0.2 Reg 26 s18.

Motions

- 19(1)** All questions must be submitted to a board of education on the motion of the chairperson or any other member.
- (2) All questions must be submitted to the conseil scolaire on the motion of the président or any other member.
- (3) No seconder is required for the questions mentioned in subsections (1) and (2).

1 Sep 2017 cE-0.2 Reg 26 s19.

Voting

- 20(1)** At all meetings of a board of education:
- (a) questions are to be decided by a majority of votes;
 - (b) the chairperson has the right to vote; and
 - (c) in the case of an equality of votes, the question is deemed to be decided in the negative.
- (2) At all meetings of the conseil scolaire:
- (a) questions are to be decided by a majority of votes;
 - (b) the président has the right to vote; and
 - (c) in the case of an equality of votes, the question is deemed to be decided in the negative.

1 Sep 2017 cE-0.2 Reg 26 s20.

Acting chairperson or président

- 21(1)** In the absence of the chairperson and the vice-chairperson from a meeting of a board of education, the members present shall elect one of their number to act as chairperson of the meeting.
- (2) In the absence of the président and the vice-président from the meeting of the conseil scolaire, the members present shall elect one of their number to act as président of the meeting.

1 Sep 2017 cE-0.2 Reg 26 s21.

Payment for attendance at meetings

- 22(1)** Subject to subsection (5), each member of a board of education is to be paid any remuneration that may be fixed by the board of education for attendance at meetings of the board of education.
- (2) Subject to subsection (5), each member of a joint board is to be paid any remuneration that may be fixed by the joint board for attendance at meetings of the joint board.
- (3) Subject to subsection (5), each member of the conseil scolaire is to be paid any remuneration that may be fixed by the conseil scolaire for attendance at meetings of the conseil scolaire.

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

(5) All payments to a member of a board of education, a joint board or the conseil scolaire pursuant to this section and section 23 or 24 must be made in accordance with the bylaws of the board of education, joint board or conseil scolaire concerning the conditions pursuant to which allowances are authorized and the amounts of those allowances.

1 Sep 2017 cE-0.2 Reg 26 s22.

Payment for performance of authorized business of board of education

23(1) A board of education or a joint board may pay to any of its members for attending to any business of the board entrusted to a member by the board of education or the joint board:

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

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

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

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

1 Sep 2017 cE-0.2 Reg 26 s23.

Payment for performance of authorized business of conseil scolaire

24(1) The conseil scolaire may pay to any of its members for attending to any business of the conseil scolaire entrusted to that member by the conseil scolaire:

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

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

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

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

1 Sep 2017 cE-0.2 Reg 26 s24.

Power to designate portion of remuneration as expenses

25(1) A board of education or joint board may, by resolution, provide that a specified proportion, not exceeding one-third, of the total amount paid by the board of education pursuant to these regulations to each member of the board in any year for his or her services is to be designated as having been paid with respect to general expenses incurred by the member that were necessary and incidental to the discharge of his or her duties as a member.

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

1 Sep 2017 cE-0.2 Reg 26 s25.

PART 5**Responsibility and Liability of Members****Responsibility of members for fulfilment of contracts**

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

1 Sep 2017 cE-0.2 Reg 26 s26.

Liability of members

27(1) Members of a board of education who wilfully vote for or sanction any illegal action are jointly or severally liable for:

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

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

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

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

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

1 Sep 2017 cE-0.2 Reg 26 s27.

PART 6 Joint Boards

Agreement to provide services jointly

28(1) A board of education may enter into an agreement with any other board of education or boards of education, a municipal authority, an Indian band, the Government of Saskatchewan, a local school authority in another province or the Government of Canada for the purpose of providing pupils with any instruction, courses or special services that are permitted or required pursuant to the Act.

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

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

(3) The services to be provided pursuant to an agreement entered into pursuant to this section may, in accordance with the terms of the agreement, be provided inside or outside of the school division.

1 Sep 2017 cE-0.2 Reg 26 s28.

Joint board

29(1) For the purposes of administering the affairs of a school, program or service under the terms of an agreement mentioned in section 28, a board of education may establish a joint board with the other party or parties to the agreement.

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

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

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

(5) A joint board established pursuant to this section is a corporation under any name approved by the minister.

1 Sep 2017 cE-0.2 Reg 26 s29.

Powers and duties of joint board

30(1) The powers, duties and procedures of a joint board are to be set out in the agreement mentioned in section 28 or in a memorandum of understanding between the parties to the agreement.

(2) Every joint board shall function in accordance with this Part and in accordance with the provisions of the Act respecting the powers and duties of members of boards of education.

1 Sep 2017 cE-0.2 Reg 26 s30.

Procedures applicable to joint board

31 Part 4 of these regulations and section 80 of the Act apply, with any necessary modification, to the organizational meeting and other meetings of a joint board, to notices of meetings and to rules of procedure with respect to the conduct of meetings.

1 Sep 2017 cE-0.2 Reg 26 s31.

Minutes of joint board

32(1) A joint board shall:

(a) submit, immediately after each meeting, an accurate record of the proceedings of that meeting to the parties to the agreement mentioned in section 28;

(b) make available for inspection by any party to the agreement mentioned in section 28, during regular office hours of the joint board, the record of its proceedings, including:

(i) the minutes of the joint board in closed session;

(ii) the transactions of the joint board; and

(iii) the financial affairs of the joint board;

(c) make available for inspection by any person, during regular office hours of the joint board, the minutes of the joint board after they have been adopted by the joint board;

(d) by resolution:

(i) define those matters, in addition to the minutes of the joint board mentioned in clause (c), that may be inspected by any person; and

(ii) authorize the manner and the form in which the matters mentioned in subclause (i) may be made available for inspection;

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

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

1 Sep 2017 cE-0.2 Reg 26 s32.

**PART 7
Electors and Voters**

Special meetings of electors

33(1) A special meeting of the electors of a school division may be held at any time for any necessary purpose not provided for by the Act.

- (2) The board of education:
- (a) may call a special meeting, on its own initiative; and
 - (b) must call a special meeting:
 - (i) if requested to do so by the minister; or
 - (ii) on receipt of a written request signed by not fewer than 25 electors of the school division.
- (3) The notice calling a special meeting must set out the place, date, time and purpose of the special meeting, and section 9 of *The Local Government Election Act, 2015* applies, with any necessary modification, to that notice.
- (4) The electors in attendance at a special meeting shall elect a chairperson and secretary for the special meeting.
- (5) Only business that is set out in the notice mentioned in subsection (3) is to be considered at the special meeting.
- (6) The secretary of the special meeting shall:
- (a) prepare a statement of the proceedings of the special meeting; and
 - (b) forward a copy of that statement to:
 - (i) the board of education; and
 - (ii) each school community council in the school division.

1 Sep 2017 cE-0.2 Reg 26 s33.

Meetings of electors to review services

34(1) At a special meeting of electors convened for the purpose, a board of education shall conduct a review and evaluation of educational services available to the pupils of the school division if:

- (a) there is no school in operation in the school division;
 - (b) the board of education considers it inadvisable to continue the operation of at least one school in the school division; or
 - (c) the maintenance of a satisfactory standard of educational services appears to be in doubt because of declining enrolment or other circumstances of the school division.
- (2) The board of education shall advise the minister of any decisions or recommendations that result from the consultation mentioned in subsection (1) to the extent that they may apply to the operation and future development of the school division.

1 Sep 2017 cE-0.2 Reg 26 s34.

Annual meeting of voters in francophone education area

35(1) Subject to subsection (2), the conseil scolaire shall convene an annual meeting of the voters of the division scolaire francophone after the receipt of the audited financial statement of the conseil scolaire.

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

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

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

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

(6) The président shall:

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

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

(7) The secretary of the meeting shall:

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

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

1 Sep 2017 cE-0.2 Reg 26 s35.

Special meetings of voters

36(1) A special meeting of the voters of the division scolaire francophone may be held at any time for any necessary purpose not provided for by the Act.

(2) The conseil scolaire:

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

(b) must call a special meeting:

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

(ii) on receipt of a written request signed by not fewer than 25 voters of the division scolaire francophone.

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

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

(5) A special meeting is to be called and conducted in accordance with the procedures set out in section 35.

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

1 Sep 2017 cE-0.2 Reg 26 s36.

PART 8

Administration in School Divisions and in the Division Scolaire Francophone

Notice of collective bargaining

37(1) Before entering into collective bargaining pursuant to the Act with respect to negotiating a local agreement affecting teachers, a board of education or the conseil scolaire, as the case may be, must provide written notice to the minister specifying:

- (a) the parties to the negotiations;
- (b) when the negotiations are to commence; and
- (c) the process selected pursuant to section 239 of the Act for the resolution of disputes.

(2) Before entering into collective bargaining with respect to any employee group other than teachers, a board of education or the conseil scolaire, as the case may be, must provide written notice to the minister specifying:

- (a) the parties to the negotiations; and
- (b) when the negotiations are to commence.

1 Sep 2017 cE-0.2 Reg 26 s37.

Administrative manuals

38(1) Subject to subsection (2), every board of education must prepare an administrative manual in the form and with the content it considers appropriate to its purposes and jurisdiction pursuant to the Act with respect to program policies, administrative organization and general management for the school division.

(2) The administrative manual of a board of education must include:

- (a) a statement of the policies adopted, approved or authorized by the board of education with respect to:
 - (i) the educational objectives, program development and provision of educational services in the school division; and
 - (ii) the general supervision and efficient management of the educational affairs of the school division; and
- (b) a definition of the administrative organization adopted by the board of education for the purposes of the administration and supervision of its educational and financial policies.

- (3) Subject to subsections (4) and (5), the conseil scolaire must prepare an administrative manual in the form and with the content it considers appropriate to its purposes and jurisdiction pursuant to the Act with respect to program policies, administrative organization and general management for the division scolaire francophone and francophone education areas.
- (4) The administrative manual of the conseil scolaire must include:
- (a) a statement of the policies adopted, approved or authorized by the conseil scolaire with respect to:
 - (i) the educational objectives, program development and provision of educational services in each attendance area; and
 - (ii) the general supervision and efficient management of the educational affairs of the division scolaire francophone; and
 - (b) a definition of the administrative organization adopted by the conseil scolaire for the purposes of the administration and supervision of its educational and financial policies.
- (5) The conseil scolaire shall develop the administrative manual in consultation with the conseils d'écoles.

1 Sep 2017 cE-0.2 Reg 26 s38.

Duties of chairperson of board of education

- 39(1)** The chairperson of a board of education shall exercise general supervision over the affairs of the board of education.
- (2) In the absence of the chairperson, the duties mentioned in subsection (1) are performed by the vice-chairperson of the board of education or, if the vice-chairperson is also absent, by a person appointed by the remaining members of the board of education from among their number to act as chairperson during the absence of the chairperson and the vice-chairperson.

1 Sep 2017 cE-0.2 Reg 26 s39.

Duties of président of conseil scolaire

- 40(1)** The président of the conseil scolaire shall exercise general supervision over the affairs of the conseil scolaire.
- (2) In the absence of the président, the vice-président of the conseil scolaire may perform the duties mentioned in subsection (1) or, if 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.

1 Sep 2017 cE-0.2 Reg 26 s40.

Committees

- 41(1)** A board of education or the conseil scolaire may appoint, by resolution, any standing committees or special committees consisting of 1 or more members of the board of education or the conseil scolaire.

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

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

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

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

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

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

(i) borrow money; or

(ii) pass a bylaw.

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

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

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

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

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

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

(i) borrow money; or

(ii) pass a bylaw.

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

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

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

- (5) The exercise of powers and the performance of duties by the committee pursuant to subsection (4) is deemed to be the exercise of powers and the performance of duties by the board of education or the conseil scolaire.
- (6) Every committee appointed pursuant to subsection (1) must give a report respecting its proceedings and decisions to the board of education or the conseil scolaire that appointed the committee in the time, in the manner and containing the information required by the board of education or the conseil scolaire.
- (7) No report, order or decision of a committee appointed pursuant to subsection (1), other than a report, order or decision dealing with a matter described in subclauses (2)(a)(i) to (iii) respecting a board of education or subclauses (3)(a)(i) to (iii) respecting the conseil scolaire, comes into force until it is adopted by the board of education or the conseil scolaire that appointed the committee at a regular or special meeting of the board of education or the conseil scolaire.
- (8) Every board of education that has passed a resolution pursuant to subsection (1) appointing a committee must renew the resolution annually at its organizational meeting held pursuant to section 14.
- (9) If the conseil scolaire has passed a resolution pursuant to subsection (1) appointing a committee, the conseil scolaire must renew the resolution annually at its organizational meeting held pursuant to section 14.

1 Sep 2017 cE-0.2 Reg 26 s41.

Staff of school division and conseil scolaire

- 42(1)** Subject to subsection (3), every board of education and the conseil scolaire must appoint a director who meets the qualifications set out in section 43.
- (2) Every board of education and the conseil scolaire must appoint a person to perform the functions of chief financial officer for the board of education or the conseil scolaire, as the case may be.
- (3) If a board of education, by reason of the small size or limited capacity of the school division, considers it impracticable to appoint a full-time director, the board of education may enter into an agreement with one or more other boards of education or the conseil scolaire to effect a joint appointment of a director.
- (4) A board of education may appoint any other officials, assistants and support personnel that the board of education considers necessary for the proper and efficient administration of the school division.
- (5) The conseil scolaire may appoint any other officials, assistants and support personnel that the conseil scolaire considers necessary for the proper and efficient administration of the division scolaire francophone or a francophone education area.

1 Sep 2017 cE-0.2 Reg 26 s42.

Qualifications of director

43 A person is eligible to be appointed by a board of education or the conseil scolaire as director if he or she:

- (a) holds or meets the requirements to hold a Professional A Teacher's Certificate issued pursuant to *The Registered Teachers Act*;
- (b) has completed a master's degree at a university recognized by the minister in a field that relates to the major duties of a director of education; and
- (c) submits evidence to the board of education or the conseil scolaire, acceptable to the board of education or the conseil scolaire, as the case may be, of:
 - (i) a minimum of 2 years of teaching experience in Canada at the elementary or secondary school level; and
 - (ii) a minimum of 2 years of experience in Canada as an educational administrator.

1 Sep 2017 cE-0.2 Reg 26 s43.

Appointment of director

44(1) If a board of education or the conseil scolaire wishes to appoint a director, the board of education or the conseil scolaire, as the case may be, must:

- (a) notify the minister in writing of its intention;
 - (b) subject to subsection (2), advertise the position in at least the 2 daily newspapers having the largest circulation in Saskatchewan;
 - (c) consider all applications; and
 - (d) on making an appointment, notify the minister of the full name, address and qualifications of the person appointed.
- (2) The minister may exempt a board of education or the conseil scolaire from complying with clause (1)(b) if:
- (a) the board of education or the conseil scolaire wishes to appoint a director as a result of a restructuring of school divisions; and
 - (b) the minister considers it appropriate to make the exemption.
- (3) A board of education or the conseil scolaire, as the case may be, shall engage its director under a written contract specifying:
- (a) salary and other allowances;
 - (b) vacation entitlement;
 - (c) the procedure for review of the terms of the contract by either party;
 - (d) the procedure for termination of the contract by either party; and
 - (e) any other terms and conditions of employment.

1 Sep 2017 cE-0.2 Reg 26 s44.

Duties of director

45(1) The powers and duties of a director shall be determined by the board of education or the conseil scolaire that appointed the director.

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

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

1 Sep 2017 cE-0.2 Reg 26 s45.

Superintendent, etc.

46 If a board of education or the conseil scolaire employs a person as a superintendent, assistant superintendent, consultant or supervisor of services related to the instruction or the health and welfare of pupils or to school attendance, the board of education or the conseil scolaire shall engage that person under a written contract specifying:

- (a) salary and other allowances;
- (b) vacation entitlement;
- (c) the procedure for review of the terms of the contract by either party;
- (d) the procedure for termination of the contract by either party; and
- (e) any other terms and conditions of employment.

1 Sep 2017 cE-0.2 Reg 26 s46.

Filing of contracts

47 If a board of education or the conseil scolaire enters into a contract in accordance with section 44 or 46 with a person mentioned in subsection 25(1) or (3) of *The League of Educational Administrators, Directors and Superintendents Act, 1991*, that person must file a copy of the contract, and every subsequent amendment or revision to the contract, with, as the case requires:

- (a) the Teachers' Superannuation Commission within 30 days after the effective date of the contract, amendment or revision; or
- (b) the Saskatchewan Teachers' Retirement Plan within 30 days after the effective date of the contract, amendment or revision.

1 Sep 2017 cE-0.2 Reg 26 s47.

Production of documents

48(1) Every board of education and the conseil scolaire must:

- (a) make available for inspection by any person, during regular office hours of the board of education or the conseil scolaire, the minutes of the board of education or the conseil scolaire after the minutes have been adopted by the board of education or the conseil scolaire;
 - (b) subject to subsection (3) and within a reasonable period after a request by any person, provide to that person copies of the whole or any part of any minutes made available pursuant to clause (a) at any rate that the board of education or the conseil scolaire may fix;
 - (c) prepare and transmit to the minister, at the times and in the form that the minister may require, a statement approved by the board of education or the conseil scolaire of the estimated revenues and expenditures of the board of education or the conseil scolaire for the year; and
 - (d) make any other reports and statements required to be made by the board of education or the conseil scolaire pursuant to the Act.
- (2) The conseil scolaire shall deliver or transmit by mail to each conseil d'école a copy of the minutes of any meeting of the conseil scolaire not later than 10 days after the day on which those minutes were approved by the conseil scolaire.
- (3) The maximum rate that a board of education or the conseil scolaire may fix for the purpose of clause (1)(b) is not to exceed the costs incurred by the board of education or the conseil scolaire in providing the copies.

1 Sep 2017 cE-0.2 Reg 26 s48.

Duties of other employees

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

1 Sep 2017 cE-0.2 Reg 26 s49.

PART 9
Financial Matters

Interpretation of Part

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

1 Sep 2017 cE-0.2 Reg 26 s50.

Estimates of annual revenue and expenditures

51(1) Not later than the day specified by the minister in each fiscal year, every board of education and the conseil scolaire must prepare and submit to the minister for the minister's approval:

- (a) estimates of revenues and expenditures required for the purposes of the school division or the division scolaire francophone, as the case may be, for the following fiscal year; and
 - (b) any statistical data with respect to school enrolment and personnel requirements that the minister may require for the following fiscal year.
- (2) The estimates of revenues and expenditures mentioned in subsection (1) must:
- (a) be in any form that the minister may direct;
 - (b) include revenues and expenditures as outlined in the chart of accounts manual designated by the minister; and
 - (c) in the case of a board of education, include the taxable assessment of the school division for the following fiscal year.

1 Sep 2017 cE-0.2 Reg 26 s51.

Estimates of capital expenditures

52(1) Every board of education and the conseil scolaire must prepare and maintain a 3-year forecast of expenditures anticipated for:

- (a) new school buildings;
 - (b) major renovation of existing buildings; and
 - (c) other major capital expenditures.
- (2) The forecast of expenditures mentioned in subsection (1) is subject to annual review by the board of education or the conseil scolaire, as the case may be, for the purposes of:
- (a) updating the forecast of expenditures; and
 - (b) determining requirements and action to be taken with respect to the fiscal year in which the expenditures will be incurred.
- (3) At the times directed by the minister, a board of education or the conseil scolaire must provide the minister with:
- (a) a copy of its forecast of expenditures mentioned in subsection (1);
 - (b) a report of a review conducted pursuant to subsection (2);
 - (c) its capital plans as requested by the minister; and
 - (d) any other information that the minister may request respecting the capital expenditures of the board of education or conseil scolaire.

1 Sep 2017 cE-0.2 Reg 26 s52.

Final estimates

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

- (a) the items and amounts of expenditures for the following fiscal year based on the estimates that are approved by the minister pursuant to section 280 of the Act; and
- (b) estimates of revenue from taxes, grants, fees and receipts from other sources that are anticipated for the following fiscal year.

1 Sep 2017 cE-0.2 Reg 26 s53.

PART 10
School Districts

DIVISION 1
School Closures or Discontinuance of Grades

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

54(1) With respect to any school situated in a school district, the board of education may close the school or discontinue one or more grades taught in the school if, before the effective date of the closure or the discontinuance of grades, the school community council consents to the closure or the discontinuance, as the case may be.

(2) The effective date of the school changes mentioned in subsection (1) must be set in accordance with section 64.

1 Sep 2017 cE-0.2 Reg 26 s54.

School review

55(1) Notwithstanding section 54, the board of education may close any school situated in a school district or discontinue one or more grades taught in the school if:

- (a) on or before October 15 of the year before the year in which the potential closure of the school or discontinuance of grades taught in the school is to come into effect, the board of education:
 - (i) passes a motion to review the school;
 - (ii) adopts the criteria for the review in accordance with this Division, any policies that may be established by the minister, and any policies that may be established by the board of education; and
 - (iii) notifies the public of its intention to review the school and of the review criteria adopted pursuant to subclause (ii);
- (b) on or before November 1 of the year before the year in which the potential closure of the school or discontinuance of grades taught in the school is to come into effect, the board of education establishes a school review committee in accordance with section 59; and
- (c) in accordance with this Division, the board of education completes a review of the school and passes a motion to close the school or to discontinue one or more grades taught in the school, as the case may be.

- (2) Any policy established by a board of education respecting the carrying out of a school review pursuant to this section:
- (a) must not be inconsistent with this Division or any policies that may be established by the minister; and
 - (b) must be posted on the website of the board of education.
- (3) Any amendment made to a policy mentioned in subsection (2) must be posted on the website of the board of education within 30 days after the date on which the amendment is made, together with notice of the amendment.

1 Sep 2017 cE-0.2 Reg 26 s55.

Terms and conditions

56(1) In this section, “**nearest school**” means the closest school to the school under review that:

- (a) is operated by the same board of education as the school under review; and
 - (b) has the capacity to accommodate the pupils attending the school under review.
- (2) A board of education may only carry out a review of a school pursuant to section 55 if:
- (a) for pupils in kindergarten to Grade 8 who are enrolled in the school:
 - (i) the nearest school is not more than 40 kilometres from the school under review, based on the shortest route by regularly maintained roads;
 - (ii) at least 90% of those pupils live within 75 minutes of the nearest school if travelling by motor vehicle under normal driving conditions; and
 - (iii) the board of education arranges for alternative transportation that minimizes the transportation time for those pupils who live more than 75 minutes from the nearest school; and
 - (b) projected enrolment for the school under review for the following school year is less than:
 - (i) for a school offering kindergarten to Grade 4 only, 25 pupils;
 - (ii) for a school offering kindergarten to Grade 5 only, 30 pupils;
 - (iii) for a school offering kindergarten to Grade 6 only, 37 pupils;
 - (iv) for a school offering kindergarten to Grade 7 only, 44 pupils;
 - (v) for a school offering kindergarten to Grade 8 only, 51 pupils;
 - (vi) for a school offering kindergarten to Grade 9 only, 58 pupils;
 - (vii) for a school offering kindergarten to Grade 12, 88 pupils.
- (3) The board of education shall bear the cost of the alternative transportation mentioned in subclause (2)(a)(iii).

1 Sep 2017 cE-0.2 Reg 26 s56.

Notice re school review

57 With respect to any notice to be given by a board of education pursuant to this Division, the board of education must:

- (a) publish the notice in at least 1 issue of a newspaper having general circulation in the school district, attendance area, town or village in which the school under review is situated; and
- (b) post the notice:
 - (i) in at least 5 widely-separated, conspicuous locations in the school district or attendance area in which the school under review is situated;
 - (ii) in the building in which the headquarters of the school division are located; and
 - (iii) on the website of the board of education.

1 Sep 2017 cE-0.2 Reg 26 s57.

Review criteria

58 In carrying out a review of a school pursuant to section 55, the board of education must consider all of the following:

- (a) the physical condition of the school;
- (b) the operational cost per pupil;
- (c) the number of grades combined in each classroom;
- (d) any additional criteria that the board of education considers relevant to the review.

1 Sep 2017 cE-0.2 Reg 26 s58.

School review committee

59(1) In this section, “**hamlet**” and “**hamlet board**” have the meanings ascribed to them in *The Municipalities Act*.

(2) For the purposes of clause 55(1)(b), the board of education shall establish a school review committee consisting of:

- (a) 4 members of the school community council representing the school under review, appointed by the school community council, but not including a principal or teacher appointed to the school community council pursuant to subclause 7(3)(a)(ii) or (iii) or 7(3)(b)(ii) or (iii) of *The Education Regulations, 2015*;
- (b) 2 individuals appointed by the council of the town or village, or by the hamlet board of the hamlet, in which the school under review is situated:
 - (i) 1 of whom is an elected member of the council of the town or village, or of the hamlet board of the hamlet, in which the school under review is situated; and
 - (ii) 1 of whom is not an elected member of the council or hamlet board mentioned in subclause (i) but is a resident of the town, village or hamlet in which the school under review is situated;

- (c) excluding the municipalities mentioned in clause (b), 2 individuals appointed jointly by the councils of the municipalities located within the electoral area of the school community council of the school under review:
 - (i) 1 of whom is an elected member of the council of one of those municipalities; and
 - (ii) 1 of whom is a resident of one of those municipalities but not an elected member of the council of any municipality; and
 - (d) if a pupil at the school resides on an Indian reserve, 1 individual appointed by the Indian band for whose use and benefit the Indian reserve where the pupil resides has been set aside, if the Indian band elects to be represented on the school review committee.
- (3) The names of the individuals appointed in accordance with subsection (2) must be submitted to the board of education not later than October 31 of the year in which the review was announced in accordance with section 55.
- (4) If, by the date mentioned in subsection (3):
- (a) a school community council fails to appoint any of the 4 members to be appointed in accordance with clause (2)(a), the board of education shall appoint the number of members from the school community council to the school review committee that the school community council failed to appoint;
 - (b) a party mentioned in clause (2)(b), (c) or (d) fails to appoint an individual to a school review committee in accordance with that clause, the school review committee shall be constituted without that position on the school review committee being filled;
 - (c) none of the parties mentioned in clauses (2)(b), (c) and (d) appoint an individual to be a member of the school review committee, the board of education is not required to establish a school review committee.
- (5) The purposes of the school review committee are:
- (a) to gain an understanding of the board of education's review process and to share information with the board of education to facilitate the development of viable options for the school under review;
 - (b) to bring forward information and additional considerations to the board of education, in the form of written submissions, in the context of the school review; and
 - (c) to share information respecting the review process with the public and to provide the board of education with written feedback from the public as the review progresses.

Review process

60(1) By November 1 of the year in which the school review committee is established, the board of education must provide the following information to the school review committee and to the school community council:

- (a) the enrolment history of the school since January 1, 2006;
 - (b) the projected enrolment for the school for the following 5 school years, and the source of this data;
 - (c) the current number of teaching and non-teaching staff at the school;
 - (d) the projected number of teaching staff based on:
 - (i) the projected enrolment mentioned in clause (b); and
 - (ii) the policies of the board of education;
 - (e) information respecting the physical condition of the school;
 - (f) any other information that the board of education plans to consider in reviewing the school.
- (2) The school review committee may provide advice and recommendations to the board of education with respect to the school review process, including a recommendation to consider the discontinuance of one or more grades taught in the school as an alternative to closing the school.
- (3) The school review committee shall:
- (a) acquaint itself with the school review process adopted by the board of education, including the review criteria and the data sources to be used to evaluate the school against the review criteria;
 - (b) for each potential outcome of the school review, describe the impact that the outcome will have on the pupils and the community;
 - (c) share the information obtained pursuant to subsection (1) with the community, and request written feedback from the community in light of that information; and
 - (d) share with the board of education the feedback received pursuant to clause (c), and the recommendations of the committee in light of that feedback.
- (4) The school review committee shall appoint a chairperson, a vice-chairperson and a secretary from among its members.
- (5) Members of the school review committee are not entitled to remuneration for their services on the committee.
- (6) All meetings between the board of education and the school review committee shall take place in the attendance area in which the school under review is located, unless the board of education and the school review committee agree on another meeting location.

(7) Following the review of the school, the school review committee is dissolved on the earlier of:

- (a) the day on which the board of education decides not to further consider the closure of the school or the discontinuance of one or more grades taught in the school; and
- (b) the day after the day on which the board of education holds a meeting of the electors of the school community council pursuant to subsection 61(2).

1 Sep 2017 cE-0.2 Reg 26 s60.

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

61(1) If the board of education decides to consider the closure of any school that has been the subject of a review pursuant to section 55 or the discontinuance of one or more grades taught in the school, the board of education must, not later than February 1 of the year in which the potential closure of the school or discontinuance of grades taught in the school is to come into effect:

- (a) pass a motion:
 - (i) to consider the potential closure of the school or discontinuance of one or more grades taught in the school, as the case may be; and
 - (ii) stating the effective date of the potential closure or discontinuance, determined in accordance with section 64; and
- (b) in accordance with section 57, notify the public of the motion passed pursuant to clause (a).

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

(3) In accordance with section 57, the board of education must notify the public of the meeting to be held pursuant to subsection (2) at least 14 days before the date fixed for the meeting.

1 Sep 2017 cE-0.2 Reg 26 s61.

Provision of information

62(1) If a board of education passes a motion in accordance with subclause 61(1)(a)(i) to consider the potential closure of a school or discontinuance of one or more grades taught in the school, the board of education, within 7 days after passing the motion, must send the following information, by ordinary mail, to the school community council and to the parents of all pupils registered with the school:

- (a) a list identifying all potential receiving schools;
- (b) the options for the transportation of pupils to and from the potential receiving schools.

(2) The board of education must post the information provided pursuant to subsection (1) on the website of the board of education within the 7-day period mentioned in subsection (1).

1 Sep 2017 cE-0.2 Reg 26 s62.

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

63(1) If, having followed the procedures required by this Division, the board of education decides to close a school or to discontinue one or more grades taught in the school, the board of education must pass a motion to that effect:

- (a) by not later than April 30 of the year in which the closure of the school or the discontinuance of grades taught in the school is to come into effect; and
 - (b) stating the effective date of the closure or discontinuance, determined in accordance with section 64.
- (2) In accordance with section 57, the board of education must notify the public of the motion passed pursuant to subsection (1).
- (3) After passing a motion pursuant to subsection (1), the board of education, in consultation with the school community councils of the affected schools, must develop and adopt an implementation plan respecting the closure of the school or the discontinuance of one or more grades taught in the school, by not later than June 15 of the year in which these changes are to come into effect.
- (4) By not later than June 30 of the year in which the closure of the school or the discontinuance of one or more grades taught in the school is to come into effect, the board of education, in accordance with section 57, must notify the public of where to view the implementation plan adopted pursuant to subsection (3).

1 Sep 2017 cE-0.2 Reg 26 s63.

Effective date of school closure or discontinuance of grades

64(1) For the purposes of this Division, the effective date of the closure of a school or the discontinuance of one or more grades taught in the school shall not be:

- (a) earlier than the end of the last school day of the school year; nor
 - (b) later than the day before the first school day of the following school year.
- (2) For the purpose of subsection (1), the school year is as determined in accordance with section 163 of the Act and *The Education Regulations, 2015*.

1 Sep 2017 cE-0.2 Reg 26 s64.

DIVISION 2

Schools of Opportunity

Definition - school of opportunity

65 In this Division, “**school of opportunity**” means a school designated by the minister in accordance with this Division as a school of opportunity.

1 Sep 2017 cE-0.2 Reg 26 s65.

Designation

66(1) Notwithstanding the decision of a board of education to close a school in accordance with section 63, the school shall remain open in accordance with this section if the minister, by order, designates the school as a school of opportunity.

- (2) The minister may only designate a school as a school of opportunity if:
- (a) the school to be closed is the only school operated by the board of education within that school district;
 - (b) by March 1 of the year in which the closure of the school is to come into effect, representatives of the community in which the school is located apply to the minister to designate the school as a school of opportunity and submit to the minister a proposal for the school prepared in accordance with subsection (3); and
 - (c) in the minister's opinion, the proposal received pursuant to clause (b) demonstrates an economic plan that could result in increased enrolment at the school by the end of the third school year following the year of designation, such that the minimum enrolment requirement for the school as set out in section 70 could be achieved.
- (3) Any proposal submitted to the minister pursuant to clause (2)(b) must be in writing and must contain the following information:
- (a) the proposed grade configuration for the school;
 - (b) a school profile containing:
 - (i) the information provided by the board of education to the school review committee and to the school community council in accordance with subsection 60(1); and
 - (ii) the following information obtained from the school:
 - (A) peer group size for the school, by grade and gender;
 - (B) average classroom size;
 - (C) cultural and recreational activities at the school;
 - (D) course offering, by grade;
 - (c) a list of businesses and employers in the community, including their addresses, a description of the primary business of each and a profile of the workforce of each;
 - (d) future plans and opportunities for businesses and employers in the community, including:
 - (i) the identification of actual business expansion plans;
 - (ii) the identification of the forces driving business expansion;
 - (iii) the identification of the risks associated with business expansion;
 - (iv) the projected expansion of the workforce and any projected change in the profile of the workforce;
 - (v) the projected timeline for the expansion of the workforce; and
 - (vi) the projected impact of workforce expansion on the number of pupils enrolled in the school;

- (e) a summary of the strategic plan for the municipalities in the school district, including:
 - (i) a description of business and community partnerships that will enhance and sustain growth in the community and that will maintain a healthy community;
 - (ii) municipal infrastructure plans and initiatives to support and enhance growth in the community; and
 - (iii) financing arrangements to support full implementation of the plans and initiatives mentioned in subclause (ii);
 - (f) benefits to the school, including:
 - (i) the expected increase in the number of preschool and school-aged children in the community;
 - (ii) a rationale as to why the increased economic development will result in an increase in the number of pupils enrolled in the school by the end of the third school year following the year of designation, and beyond; and
 - (iii) the expected increase in the value of the school, including a description of the enhanced community and business partnerships with the school;
 - (g) the data sources and methodology used, if applicable, for all quantitative information provided pursuant to this subsection;
 - (h) the data sources and methodology to be used in any report prepared pursuant to subsection 68(2).
- (4) By May 15 of the year in which the closure of the school is to come into effect, the minister shall advise the applicants and the board of education:
- (a) whether or not the school is being designated as a school of opportunity; and
 - (b) if the school is being designated as a school of opportunity, the grade configuration and the period for which the school is being designated.
- (5) Subject to the other provisions of this Division, a school of opportunity must remain open for the period specified by the minister in the order designating the school as a school of opportunity, which period shall not exceed 3 school years.
- (6) While a school is designated as a school of opportunity, the board of education responsible for the school shall neither:
- (a) conduct a review of the school pursuant to Division 1 of this Part; nor
 - (b) close the school.
- (7) The minister may make grants to a board of education that is responsible for a school of opportunity, in addition to any grant that the minister may make to the board of education pursuant to sections 310 and 311 of the Act.

Request to remove designation

67(1) At any time during the period in which a school is designated as a school of opportunity, the applicants who applied in the first instance to have the school designated as a school of opportunity may apply to the minister, in writing, to have the designation removed.

(2) On receipt of a request pursuant to subsection (1), the minister may remove the designation of the school as a school of opportunity, and the removal of the designation is effective on the first school day of the following school year.

1 Sep 2017 cE-0.2 Reg 26 s67.

Review of designation

68(1) If the minister considers it appropriate to do so, the minister may:

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

(2) Within the period commencing with the twentieth month and ending with the thirty-second month after the month in which the school is designated as a school of opportunity, the applicants who applied in the first instance to have the school designated as a school of opportunity must submit a written report to the minister that provides an update with respect to:

- (a) the business expansion plans and municipal initiatives described in the proposal submitted to the minister pursuant to section 66; and
- (b) the number of preschool and school-aged children residing in the school district.

(3) If either one of the reports mentioned in subsection (2) is not received by the minister within the period specified in subsection (2) for that report, the minister may remove the designation of the school as a school of opportunity if the minister considers it appropriate to do so.

1 Sep 2017 cE-0.2 Reg 26 s68.

Expiration or removal of designation

69(1) If, on the expiration or removal of the designation of the school as a school of opportunity, the school meets the minimum enrolment requirement as set out in section 70 to remain open, the board of education shall not close the school until it conducts a new review of the school in accordance with Division 1 of this Part.

(2) If, on the expiration or removal of the designation of the school as a school of opportunity, the school fails to meet the minimum enrolment requirement as set out in section 70 to remain open, the board of education may:

(a) set a new effective date in accordance with section 64 to close the school; and

(b) proceed in accordance with subsections 63(3) and (4) with an implementation plan to close the school.

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

1 Sep 2017 cE-0.2 Reg 26 s69.

Minimum enrolment requirements

70 For a school to remain open on the expiration or removal of the designation of the school as a school of opportunity, the school must meet the following minimum enrolment requirement:

(a) for a school offering kindergarten to Grade 4 only, 25 pupils;

(b) for a school offering kindergarten to Grade 5 only, 30 pupils;

(c) for a school offering kindergarten to Grade 6 only, 37 pupils;

(d) for a school offering kindergarten to Grade 7 only, 44 pupils;

(e) for a school offering kindergarten to Grade 8 only, 51 pupils;

(f) for a school offering kindergarten to Grade 9 only, 58 pupils;

(g) for a school offering kindergarten to Grade 12, 88 pupils.

1 Sep 2017 cE-0.2 Reg 26 s70.

PART 11 Coming into Force

Coming into force

71(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Education Amendment Act, 2017* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Education Amendment Act, 2017* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

1 Sep 2017 cE-0.2 Reg 26 s71.

Appendix

FORM A

[Subsection 71(1) of the Act]
[Subsection 9(1) of the Regulations]

Declaration of Office

I, _____, do hereby accept the office of member of the Board of Education of the _____ School Division No. ____ of Saskatchewan, to which I have been elected (in Subdivision No. _____ (if applicable)), and I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as a member.

Dated at _____, Saskatchewan, this ____ day of _____, 20 ____ .

Member, Board of Education

FORM B

[Subsection 71(2) of the Act]
[Subsection 9(2) of the Regulations]

Endorsement Certificate by Commissioner for Oaths

I, _____, of _____, Saskatchewan, do hereby certify that _____, a person elected as a member of the Board of Education of the _____ School Division No. _____ (for Subdivision No. _____ (if applicable)), has this day made before me the required declaration of office.

Dated at _____, Saskatchewan, this ____ day of _____, 20 ____ .

Commissioner for Oaths for Saskatchewan

