

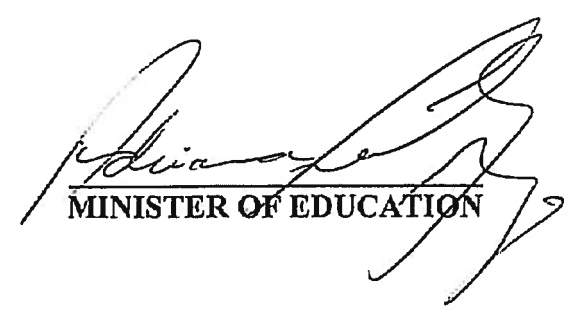
ALBERTA REGULATION 91/2019

FILED ON August 16 2019

**GOVERNMENT OF ALBERTA**  
**DEPARTMENT OF EDUCATION**  
**MINISTERIAL ORDER (# 025 / 2019 )**

I, Adriana LaGrange, Minister of Education, pursuant to Section 250 of the **Education Act**, make the Order set out in the attached Appendix, being the *Petitions and Public Notices Regulation*.

DATED at Edmonton, Alberta August 15, 2019.

  
**MINISTER OF EDUCATION**

## APPENDIX

### Education Act

#### PETITIONS AND PUBLIC NOTICES REGULATION

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##### **Application**

**1** This Regulation does not apply to any of the following to which the *Establishment of Separate School Districts Regulation* applies:

- (a) a petition for the establishment of a separate school district under section 102 of the Act;
- (b) a petition for the disestablishment of a separate school district under section 110 of the Act;
- (c) a notice under Division 2 of Part 5 of the Act.

##### **Petition**

**2** When the Act provides for the doing of anything by petition, or one or more electors wish to present a petition to a board, the petition must be in the form established by the Minister.

##### **Number of petitioners required**

**3(1)** In this section, "funded students", in respect of a board, means the number of students enrolled in and attending a school operated by the board on the last day of September on which instruction is provided.

**(2)** A petition must be signed by at least

- (a) the lesser of

- (i) 5000 electors, and
- (ii) the number of electors that is equal to 10% of the number of funded students of the board,

in a division, Francophone education region or charter school having 5000 or more funded students,

- (b) the lesser of

- (i) 500 electors, and
- (ii) the number of electors that is equal to 25% of the number of funded students of the board,

in a division, Francophone education region or charter school having fewer than 5000 but 1000 or more funded students, or

- (c) the lesser of

- (i) 250 electors, and
- (ii) the number of electors that is equal to 40% of the number of funded students of the board,

in a division, Francophone education region or charter school having fewer than 1000 funded students.

- (3) The following must be excluded in determining the number of petitioners on a petition:

- (a) a person whose signature appears on a page of the petition that does not contain an accurate statement of the purpose of the petition identical to the statement contained on all the other pages of the petition;
- (b) a person whose signature is not witnessed;
- (c) a person whose address is not set out or is incorrectly set out;
- (d) a person who is not an elector.

- (4) No name may be removed from a petition after it has been received by a board.

**Statement by elector**

**4** There must be attached to every petition a statement signed by an elector stating that

- (a) the elector represents the petitioners, and
- (b) the elector is the person to whom a board may direct any inquiries with respect to the petition.

**Presentation of petition to board**

**5** When the petitioners wish to present a petition to a board, they must do so by filing the petition with the secretary of the board.

**Determination of a petition's sufficiency**

**6** When a petition is filed with the secretary of the board, the secretary must

- (a) determine the number of petitioners that have signed the petition,
- (b) determine whether the petition meets the requirements of sections 2 and 3, and
- (c) having made the determinations under clauses (a) and (b), declare the results of the secretary's determination, and provide the elector referred to in section 4 with written notification of the declaration.

**Insufficiency of a petition**

**7** If a petition is found under section 6 to be insufficient, the board must proceed as if the petition had not been presented to the board.

**Appeal re insufficiency**

**8(1)** Where it is determined that a petition is insufficient, the petitioners may appeal the determination to the Court of Queen's Bench by application.

**(2)** An appeal under subsection (1) must be commenced within 14 days from the date that the secretary of the board makes the secretary's declaration under section 6(c).

**(3)** If on hearing the appeal the Court considers that the petition is sufficient, the board must proceed as if the petition had been declared sufficient by the secretary of the board.

#### **Administration of petitions**

- 9(1)** If a petition is determined sufficient by the secretary of the board, the board must, within 30 days of the date of the written notification declaring the results of the determination made under section 6, establish a committee to review the petition.
- (2)** The committee must review the purpose of the petition and provide recommendations to the board in response to the purpose of the petition.
- (3)** The secretary of the board must provide the elector referred to in section 4 with written notification of the outcome of the review within 90 days of the date of the written notification declaring the results of the determination made under section 6.
- (4)** This section does not apply to a petition received by a board under section 190 of the Act.

#### **Board policy in respect of petitions**

**10** A board must establish and maintain a policy regarding the administration of petitions received by the board other than those received by the board under section 102, 110 or 190 of the Act.

#### **Public notice**

- 11** When public notice, including notice of a public meeting, is required to be given under the Act, the notice must be given
- (a)** by publishing the notice at least once a week for 2 consecutive weeks in at least one newspaper that has general circulation in the area in which the municipalities, school divisions and districts interested in the matter are situated, and
  - (b)** by posting the notice for 10 business days in at least 2 areas that the person who is required to give the notice considers appropriate.

#### **Expiry**

**12** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2029.

**Coming into force**

**13** This Regulation comes into force on September 1, 2019.