

Bill 64, Education Modernization Act, 2021

Agreements

- 59** The provincial education authority may enter into an agreement with any of the following:
- a) the government or any government agency or any person
 - (i) respecting attendance and education of children at a school operated under the agreement,
 - (ii) respecting the provision, exchange or sharing of educational services that are not provided by the provincial education authority,
 - (iii) respecting the payment, sharing or collection of fees and charges agreed upon by the parties,
 - (iv) respecting the construction of a school,
 - (v) respecting the programs to be offered at the school;
 - b) the Government of Canada or an agency of the Government of Canada or an Indian Band (as defined in the *Indian Act* (Canada)) or its representative to whom authority over the education of children of the Indian Band has been granted under an Act of Parliament, respecting any matter referred to in subclauses (a)(i) to (v), but only with the minister's approval.

The Indian Act, 1927, Chapter 98

Schools

- 9(1)** The Governor in Council may establish
- a) day schools in any Indian reserve for the children of such reserve;
 - b) industrial or boarding schools for the Indian children of any reserve or reserves or any district or territory designated by the Superintendent General.
- (2) Any school or institution the managing authorities of which have entered into a written agreement with the Superintendent General to admit Indian children and provide them with board, lodging and instruction may be declared by the Governor in Council to be an industrial school or a boarding school for the purposes of this Act.
- (3) The Superintendent General may provide for the transport of Indian children to and from the boarding or industrial schools to which they are assigned, including transportation to and from such schools for the annual vacations.
- (4) The Superintendent General shall have power to make regulations prescribing a standard for the buildings, equipment, teaching and discipline of and in all schools, and for the inspection of such schools.
- (5) The chief and council of any band that has children in a school shall have the right to inspect such school at such

Certain powers for northern regional catchment area

62 The provincial education authority may exercise the following powers with respect to students who have a right to attend school in a regional catchment area that includes territory north of the northern boundary of township 22 in the province:

- a) arrange for living accommodation and necessities for those students;
- b) establish a residence for those students attending a secondary school within or outside the regional catchment area, but only with the minister's approval.

Report to local school attendance officer

121(3) The principal must report a child's absence to the local school attendance officer if the principal is satisfied that

- a) the child continues to be absent from school after the child's parent has been informed of the absence; and
- b) the parent has had a reasonable opportunity to comply with the parent's obligation under this Act.

Designation of school attendance officers

122(1) The provincial education authority must appoint one or more school attendance officers or must designate one or more of its employees as school attendance officers.

Jurisdiction of school attendance officer

122(2) A school attendance officer has jurisdiction over the children in the area for which the officer is appointed or designated.

reasonable times as may be agreed upon by the Indian agent and the principal of the school.

- (6) The Superintendent General may apply the whole or any part of the annuities and interest moneys of Indian children attending an industrial or boarding school to the maintenance of such school or to the maintenance of the children themselves.

10(1) Every Indian child between the ages of seven and fifteen years who is physically able shall attend such day, industrial or boarding school as may be designated by the Superintendent General for the full periods during which such school is open each year.

- (2) Such school shall be the nearest available school of the kind required, and no Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices.

- (3) The Superintendent General may appoint any officer or person to be a truant officer to enforce the attendance of Indian children at school, and for such purpose a truant officer shall be vested with powers of a peace officer, and shall have authority to enter any place where he has reason to believe there are Indian children between the ages of seven and fifteen years, and when requested by

Right to enter

123(1) A school attendance officer has the power to enter, without a warrant, any place of public entertainment or amusement, factory, workshop, store or any other place where children may be employed or any other place where children may congregate for the purpose of carrying out the officer's duties under this Act.

Authority to conduct absent child to school

123(2) If a school attendance officer enters a place described in subsection (1) and finds in that place an individual who should be in attendance at school as required by this Act but who has been reported as being absent from school contrary to this Act, the school attendance officer may take that child to the child's school or the child's home.

Child not considered to be absent

124 *For the purpose of this Act, a child is not considered to be absent from attending public school in any of the following circumstances:*

- a) the child is in regular attendance at an independent school;*
- b) the child is, in the minister's opinion, receiving a standard of education under a home school arrangement that is equivalent to a public school education;*
- c) the child is participating in a program conducted away from the school site (including a work education program or outdoor education program) that is authorized by the authority board;*

the Indian agent, a school teacher or the chief of a band shall examine into any case of truancy, shall warn the truants, their parents or guardians or the person with whom any Indian child resides, of the consequences of truancy, and notify the parent, guardian or such person in writing to cause the child to attend school.

- (4) Any parent, guardian or person with whom an Indian child is residing who fails to cause such child, being between the ages aforesaid, to attend school as required by this section after having received three days' notice so to do by a truant officer shall, on the complaint of the truant officer, be liable on summary conviction before a justice of the peace or Indian agent to a fine of not more than two dollars and costs, or imprisonment for a period not exceeding ten days or both, and such child may be arrested without a warrant and conveyed to school by the truant officer.
 - (5) No parent or other person shall be liable to such penalties if such child
 - a) is unable to attend school by reason of sickness or other unavoidable cause;
 - b) has passed the entrance examination for high schools; or
 - c) has been excused in writing by the Indian agent or teacher for temporary absence to assist in husbandry or urgent and necessary household duties.
- 11** The Governor in Council may take the land of an Indian held under location ticket or otherwise, for school purposes, upon payment to such Indian of the

- d) *the child is at least 15 years old and is participating in an alternate activity or program;*
- e) *the child is at least 16 years old and is enrolled in an adult learning centre and is taking a program leading to a high school diploma;*
- f) *the child is unable to attend due to illness or other unavoidable cause or is excluded from attendance under a public health order;*
- g) *the child is absent on any day regarded as a day of religious observance by the religious denomination with which the child is affiliated;*
- h) *the child is suspended from the school;*
- i) *the child is expelled from the school and is not permitted to enrol in another school;*
- j) *the child is absent or excused as authorized under this Act or another enactment.*

Regulations — attendance and absences

125 *The minister may make regulations*

- a) *respecting the reporting of a child's absence from school by the principal to the child's parent and the school attendance officer;*
- b) *respecting the manner and timing of reports of absence and the information they must contain*
- c) *prescribing the manner of notice to a parent regarding the child's absence*

compensation agreed upon, or in case of disagreement such compensation as may be determined in such manner as the Superintendent General may direct.

Criteria for school closure

192(1) The provincial education authority may close a school if one of the following criteria is met:

1. The closure is the result of a consolidation of schools within the community or area served by the school.
2. There is consensus for the closure among the parents and the residents of the community or area served by the school.
3. It is no longer feasible to keep the school open due to declining enrolment and, despite reasonable efforts having been made, the provincial education authority has been unable to expand the use of the school building for appropriate community purposes.

Offence re failure of child to attend school

330 A parent who fails or refuses to comply with the requirement to send their child to school without lawful excuse is guilty of an offence.