

ESTABLISHING A SEPARATE SCHOOL DISTRICT

INFORMATION PACKAGE

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1. CONTACTS

The purpose of this information package is to inform separate school electors of the process available to them when establishing a separate school district.

Staff in the Business Operations & Stakeholder Support Branch manage the process of establishing separate school districts. They are available to assist you with interpretation of legislation, conducting a census, training, and completing forms and procedures at establishment meetings. Branch staff also provide legal descriptions and maps of Alberta school jurisdictions.

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For more information on legislation that governs the process, please refer to the *School Act* and the *Local Authorities Election Act*.

2. INTRODUCTION

A 4 X 4 is the historical original land description (approximately 4 miles by 4 miles) of public school districts in the province. There are approximately 5,600 4 x 4's throughout the province. The 4 x 4's are referred to in the *School Act* as “public school districts”. These public school districts are different from operating public school jurisdictions, which are referred to in the *School Act* as school districts, school divisions, or regional divisions.

When Alberta became a province in 1905, section 17 of the *Alberta Act, 1905* affirmed the right of minority faith communities, either Protestant or Roman Catholic, to form a separate school district. This provision is continued by section 29 of the *Canadian Charter of Rights and Freedoms* which preserves existing constitutional rights. This right is also enshrined in our law as a result of section 93 of the *British North America Act, 1867* (now the *Constitution Act, 1867*). The *School Act* sets out the procedures to be followed when exercising the rights provided for in the other two pieces of legislation.

A. ESTABLISHMENT OF SEPARATE SCHOOL DISTRICTS

Division 2, Part 8 of the *School Act* describes the process available to separate school electors to establish, or form, a separate school district. These sections of the *School Act* are focused on the rights of separate school electors.

The process for establishing a separate school district involves a number of specific steps. If the minority faith electors in a public school district proceed according to the requirements of the *School Act*, and choose to establish a separate school district, the Minister is required to establish the separate school district. The establishment of the separate school district is not done at the discretion of the Minister. For that reason, it is essential that the various steps required for the establishment of the district be done strictly in accordance with the legal requirements provided for in the *School Act*.

Upon establishment of a separate school district, education services must be delivered to the minority faith students who are now considered to be resident students. When a separate school district is established, it is amalgamated with the existing separate school jurisdiction within the separate school region that has the resources to deliver the education services required to serve its resident students. When a separate school district is established the property of individuals who are of the minority faith (the faith of those who established the separate school district) is assessable for the support of the separate school district.

Section 44(4) of the *School Act* sets out that where a separate school district is established an individual residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic, is a resident of the separate school district, and is not a resident of the public school district. Where a separate school district exists those persons who are of the same faith as those who established the separate district are eligible to vote or run for a separate school trustee. All others are eligible to vote or run for a public school trustee.

3. Relevant School Act Sections

The *School Act* (sections 212 to 221 inclusive) governs the mechanisms of establishing and dissolving a separate school district. All legislative references in this manual refer to the *School Act* unless otherwise cited. The *School Act* sets out certain procedures, which must be meticulously satisfied. If there are procedural errors, the establishment or dissolution cannot proceed and the processes must be repeated.

Chapter. S-3 School Act 2000

With amendments in force as of December 7, 2007.

Division 2 Establishment and Dissolution of Separate School Districts

Definitions

212 In this Division,

- (a) “meeting” means a meeting called under section 215;
- (b) “separate school elector” means an individual who,
 - (i) in the case where a separate school district is not established,
 - (A) is an elector of the public school district, and
 - (B) is either of the Protestant or Roman Catholic faith, whichever is the minority in the public school district,

and

- (ii) in the case where a separate school district is established, is a Protestant or Roman Catholic, as the case may be, and is an elector of that separate school district.

Right to establish separate schools

213 The separate school electors in any public school district where a separate school district is not established may establish a separate school district within that public school district in accordance with this Division.

Petition for establishment

- 214** (1) Where no fewer than 3 of the separate school electors referred to in section 213 wish to establish a separate school district they shall prepare a petition in accordance with subsection (2).
- (2) The petition for the establishment of a separate school district shall
- (a) be signed by at least 3 separate school electors, and
 - (b) be in the form prescribed by the Minister.

Calling of meeting

215 When a petition meets the requirements of section 214(2), the petitioners, if they wish to proceed with the establishment of a separate school district, shall call a meeting of the separate school electors for the purpose of taking a vote to determine whether the separate school district should be established.

Notice of Meeting

- 216** (1) The notice calling a meeting shall be in the form prescribed by the Minister.
- (2) The notice referred to in subsection (1) shall be
- (a) posted in 5 or more conspicuous places in the proposed separate school district for a period of at least 14 days immediately prior to the date set out in the notice for the public meeting,
 - (b) published in a newspaper circulating within the proposed separate school district once a week for at least 2 of the 3 weeks immediately prior to the week containing the date set out in the notice for the public meeting, and
 - (c) served on the board of the public school district or division within the boundaries of which the proposed separate school district would be established at least 10 days prior to the date set out in the notice for the public meeting.

Conduct of Meeting

- 217** (1) The quorum for a meeting is 25% of the separate school electors.
- (2) A separate school elector who wishes to take part in and vote at the meeting shall sign in the presence of 2 of the persons referred to in section 214(2)(a) a declaration in the form prescribed by the Minister stating that the elector is a separate school elector.
 - (3) The separate school electors present at the meeting shall elect one of their number as chair of the meeting.
 - (4) The chair shall appoint a secretary of the meeting, who shall
 - (a) record the minutes of the meeting, and
 - (b) perform any other duties required of the secretary.
 - (5) A person who has not signed the declaration referred to in subsection (2) is not entitled to take part in the meeting or vote at it and the chair may require the person to leave.
 - (6) Notwithstanding subsection (5), an authorized representative of the Minister is entitled to take part in the meeting but is not entitled to vote.
 - (7) The chair shall vote on each question at the meeting.
 - (8) Subject to section 219(1), each question at the meeting shall be decided by a majority of the votes validly cast, and in the case of an equality of votes, the question shall be decided in the negative.
 - (9) Subject to subsection (12), voting may be carried out by a show of hands or by poll.
 - (10) At the meeting, the chair, after the signing of the declaration referred to in subsection (2), shall provide a period of time for questions and discussion with respect to the proposed establishment of the separate school district.
 - (11) Immediately after the period for questions and discussion, but not later than 180 minutes after the opening of the meeting, the chair shall, if there is a quorum present, proceed to take a poll of the votes of the separate school electors for and against the establishment of the separate school district.
 - (12) The poll referred to in subsection (11) shall be taken by secret ballot.
 - (13) The chair shall preside over the taking of the poll and the secretary of the meeting shall act as the poll clerk.
 - (14) The poll shall remain open for one hour or any longer period that the chair considers reasonable in the circumstances.

- (15) At the end of the period referred to in subsection (14) the chair shall
- (a) declare the poll to be closed, and
 - (b) proceed to count the votes and to declare the result of the poll.
- (16) If the majority of the separate school electors who voted at the meeting at which a quorum was present have voted against the establishment of a separate school district, no petition for a separate school district may be presented again until at least
- (a) 1 year from the date of the meeting if less than 60% of the persons voting voted against the establishment of a separate school district, or
 - (b) 2 years from the date of the meeting if 60% or more of the persons voting voted against the establishment of a separate school district.

Notification to Minister

- 218** The chair of the meeting shall, within 10 days from the date of the meeting, send to the Minister the following:
- (a) a copy of the notice calling the meeting;
 - (b) proof, in the form the Minister requires, of the posting, publication and service of the notice calling the meeting;
 - (c) a copy, in the form prescribed by the Minister, of the minutes of the meeting;
 - (d) the declarations of the chair and the separate school electors.

Establishment of district

- 219** (1) Where the majority of the separate school electors present at the meeting at which a quorum is present vote in favour of the establishment of a separate school district, the Minister shall by order establish the separate school district with the same boundaries as those of the public school district.
- (2) Where a meeting is called under section 215 but a quorum is not present at the meeting, the petitioners may request the Minister to conduct a plebiscite to determine whether a separate school district should be established.
- (3) If the Minister receives a request under subsection (2) and is of the opinion that the circumstances are extraordinary, the Minister may cause a plebiscite to be conducted.
- (4) The question that the plebiscite shall determine is
Do you favour the establishment of a separate school district with the same boundaries of The _____ Public School District No. _____?
- (5) If the majority of the separate school electors who voted in the plebiscite voted in favour of the establishment of a separate school district, the petitioners or the person conducting the plebiscite shall report that fact to the Minister.

- (6) On receiving the report under subsection (5), the Minister shall by order establish a separate school district with the same boundaries as those of the public school district.

Effect of establishment

- 220** (1) The order establishing the separate school district shall give it a name and number in the following form:

The _____ Separate School District No. _____.

- (2) An order made under subsection (1) becomes effective on the date specified in the order.
- (3) Notwithstanding section 44, when a separate school district is established during a school year, the board of the public school district within which the separate school district is established or the board of the division if the public school district is within a division shall, at the request of the board of the separate school district, continue until the end of the school year to accept in its school and on its school buses the resident students of the separate school board.
- (4) A board of a public school district or division that accepts the resident students of a separate school board pursuant to subsection (3) is entitled to receive from or on behalf of the board of the separate school district, in proportion to the number of months in the school year that the resident students of the board of the separate school district are in the schools operated by the board of the public school district, the requisitions, grants or other revenues that the board of the public school district or division would have received if the separate school district had not been established.
- (5) Any dispute respecting the application of subsections (3) and (4) must be referred to the Minister, whose decision is final and binding on the parties to the dispute.
- (6) Subject to Part 6, Division 2, after a separate school district is established, a person residing within the boundaries of the separate school district who is of the same faith as those who established that district, whether Protestant or Roman Catholic, is a resident of the separate school district and is not a resident of the public school district.

Dissolution

- 221** (1) A board of a separate school district
- (a) may pass a resolution requesting the Minister to dissolve the separate school district, or
 - (b) may of its own volition or shall, if 25% of the separate school electors of the separate school district petition the board to dissolve the district, conduct a plebiscite to determine whether the separate school district should be dissolved.

- (2) The board shall conduct a plebiscite not more than 60 days after
- (a) the date on which it resolves to conduct the plebiscite under subsection (1), or
 - (b) the date of receipt of a petition referred to in subsection (1)(b).

- (3) The question that the plebiscite shall determine is

*Do you favour the dissolution of The _____ Separate School
District No. _____?*

- (4) If the majority of the separate school electors who voted in the plebiscite have voted in favour of the dissolution of the separate school district, the board shall report that fact to the Minister.

- (5) The Minister

- (a) shall on receiving the report of a board made pursuant to subsection (4), or
- (b) may if there are no separate school electors or the Minister receives a resolution under subsection (1)(a),

dissolve both the separate school district and the board of the separate school district and, on that dissolution, the former separate school district residents become residents of the public school district or division within which they reside.

4. STEPS IN ESTABLISHING A SEPARATE SCHOOL DISTRICT UNDER DIVISION 2, PART 8 OF THE *SCHOOL ACT*

A. ELIGIBILITY

1. For the purposes of this information package, and in accordance with the *School Act* the following rules apply to “residence”:
 - (a) a person can have only one place of residence;
 - (b) a person’s residence is the place where that person ordinarily lives and sleeps and to which, when absent from the residence, that person intends to return;
 - (c) when a person leaves a district, division or unorganized territory, as the case may be, with the intention of becoming resident somewhere other than in that district, division or territory, that person’s residence in that district, division or unorganized territory ceases;
 - (d) when a person leaves Alberta with the intention of residing outside Alberta, that person’s residence in Alberta ceases.

2. An eligible separate school elector is one who is:
 - (a) 18 years of age or older;
 - (b) a Canadian citizen;
 - (c) a resident of Alberta for six consecutive months immediately preceding the establishment meeting day; and
 - (d) a resident of the public school district on the day on which the establishment meeting is held; and
 - (e) in the case where a separate school district is not established, is an elector of the public school district and is either of the Protestant or Roman Catholic faith, whichever is the minority faith in the public school district.

3. For the purposes of this information package, a Roman Catholic is defined as an individual who recognizes the Pope as the head of the church. A Protestant is defined as a Christian who is not a Roman Catholic. A person who is neither Roman Catholic nor Protestant is defined as Other.

B. CENSUS PROCESS

Lands Contained In A Public School District – The Business Operations & Stakeholder Support Branch manages the Ministerial Orders that describe the lands that make up a public school district. When separate school electors wish to establish a separate school district they must obtain a description of the lands contained in the public school district.

If separate school electors in more than one public school district within a separate school region wish to establish a number of new separate school districts, the Minister may amalgamate (roll up) the public school districts into a single larger public school district for the purposes of the establishment of the new separate district (Section 239 of the *School Act*). The separate school electors must however ensure that there are a minimum of three separate school electors in each of the public school districts being amalgamated and that the Roman Catholics are the minority faith in each public school district.

Section 214 of the *School Act* requires that at least three petitioners submit to the Minister a petition in the form prescribed by the Minister [Form 10 (page 26)]. Form 10 requires that the petitioners take a census of all residents in the geographical area of the public school district in which the separate school district will be established. The census is taken to determine which residents are Roman Catholic, which residents are Protestant, and which residents are Other.

It is important the census be accurate. There have been occasions when, due to inaccuracies, the census had to be redone by the petitioners and, on rare occasions by Alberta Education staff.

The following are suggested tips on conducting the census:

1. Training sessions outlining a standard procedure should be provided to census takers. Issues that should be addressed at the census takers sessions are located on the next page. Alberta Education staff are available to assist with the training.
2. Each household shall receive at least one visit from a census taker.
3. The census taker will record the household resident information on Form C-1 (page 16).

4. The census taker shall leave Form C-2 (page 17) at the household if they are unable to speak to the resident, along with a letter, explaining the reason the information is required.
5. If Form C-2 is not received within 10 working days after it has been left at the household, the census taker will make a second attempt to contact the resident of that household.
6. If Form C-2 is not returned within 10 working days after the second attempt to contact the household resident, a log (Form C-3) shall identify the household resident as not responding to the census.
7. When a census taker is unable to get the household information at the time of the visit, completion of steps 3 to 5 by the census taker shall be considered a reasonable effort to gather the census information and the census will be considered to be finalized.
8. A log of households visited and the information gained from those visits shall be recorded on Form C-3 (page 18).
9. The results of the petition, as recorded on Form C-3 will be the information used to complete the Form 10 petition.

The following are issues that should be addressed at training seminars for census takers:

1. The *Alberta Act, 1905* provides that in Alberta the minority of electors of either the Roman Catholic or Protestant religions may establish separate school districts.
2. The *School Act* mirrors those constitutional rights.
3. Alberta's public education system has two dimensions, public school jurisdictions and separate school jurisdictions.
4. Every Alberta student is a resident and the legal responsibility of either a public school board or a separate school board, as determined by the religious affiliation of the student's parents in those geographical areas where separate school jurisdictions are present. (Information on Religious Affiliations is located on page 14).
5. The governance of delivery of education services to Alberta students is the responsibility of either the public jurisdiction or the separate jurisdiction based on the religion of the student's parents.

6. In order to determine the ability of either the Roman Catholic or Protestant electors in a public school district to establish a separate school district, a census of the electors must be carried out.
7. Each household in the geographical area of the public school district must be canvassed.
8. The faith of full-time residents of the public school district who are Canadian citizens, 18 years of age and over, and are resident in Alberta for six consecutive months prior to the taking of the census must be determined.
9. There are three categories of religious affiliation used to determine eligibility of either Roman Catholic or Protestant electors to establish a separate school district. The three categories are Roman Catholic, Protestant and Other.
10. For the purposes of census taking, Alberta Education defines these categories as:
 - (a) “Roman Catholic” is an individual who recognizes the Pope as the head of the church, a baptized member of the Roman Catholic Church, or one of the Eastern Catholic churches in communion with the Pope in Rome, including but not limited to, the Albanian, Armenian, Belarusan, Bulgarian, Chaldean, Coptic, Ethiopian, Eritrean, Georgian, Greek, Hungarian, Italo-Albanian, Maronite, Melkite, Romanian, Russian, Ruthenian, Byzantine, Ruthenian Greek, Slovak, Syrian, Syro-Malabar, Syro-Malankara and Ukrainian Catholic Churches;
 - (b) “Protestant” is an individual who is a Christian who is not Roman Catholic;
 - (c) “Other” is an individual who is neither Roman Catholic nor Protestant.
11. The information required to correctly and accurately complete a census is sensitive and personal.
12. If a resident refuses to provide a census taker with any information then the information must be recorded as, “1 household resident refusing to provide information”. Census takers should not guess the number of eligible electors at the residence.

The establishment of a separate school district impacts the whole community; including those persons establishing a separate school district, all parents with children in school, and electors or property owners who may or may not have children in school, and property owners who may or may not have children in school.

The following list contains information on religious affiliations or terms to help census takers:

Protestant

1. Alliance
2. Anglican Church of Canada
3. Baptist
4. Christian Reform
5. Christian Science
6. Church of the Nazarene
7. Church of Jesus Christ of the Latter Day Saints (Mormon)
8. Eastern Orthodox
9. Foursquare
10. Jehovah's Witness
11. Lutheran
12. Mennonite
13. Methodist
14. Pentecostal
15. Presbyterian
16. Salvation Army
17. Seventh Day Adventist
18. The Church of England
19. Ukrainian Orthodox
20. Unitarian
21. United Church of Canada

Other

1. Buddhist
2. Church of Scientology
3. Episcopalian
4. Hindu
5. Islamic
6. Jainism
7. Jewish (Judaism)
8. Sikh
9. Taoist
10. Zoroastrian

Roman Catholic

Alexandrian Tradition

1. Coptic Catholic Church
2. Ethiopian/Eritrean Catholic Church

Antiochian Tradition

1. Maronite Catholic Church
2. Syrian Catholic Church
3. Syro-Malankara Catholic Church

Armenian Tradition

1. Armenian Catholic Church

Chaldean or Eastern Syrian Tradition

1. Chaldean Catholic Church
2. Syro-Malabar Catholic Church

Byzantine or Constantinopolitan Tradition (Greek Catholic)

1. Melkite Greek Catholic Church
2. Ukrainian Greek Catholic Church
3. Romanian Greek Catholic Church
4. (Ruthenian) Byzantine Catholic Church
5. Eparchy of Muka'evo
6. Hungarian Greek Catholic Church
7. Slovak Greek Catholic Church
8. Ruthenian Apostolic Exarchate in Czech Republic
9. Italo-Albanian Greek Catholic Church
10. Apostolic Exarchate for Serbia and Montenegro
11. Eparchy of Kri'evci
12. Apostolic Exarchate in FYROM (Macedonia)
13. Bulgarian Greek Catholic Church
14. Greek Catholic Church in Greece and Turkey



APPENDIX A: SURVEY OF RESIDENTS FORMS





SURVEY OF RESIDENTS TO DETERMINE COMPOSITION OF SEPARATE SCHOOL ELECTORS

Name of Each Elector	Legal Land Description	ONLY CHECK ONE COLUMN			Refused To Provide Information	Left Information	Second Visit if applicable
		Roman Catholic	Protestant	Other			

Signature of Census Taker

SCHOOL DISTRICT

Print: _____

Note: The personal information that is being collected under the authority of the *School Act* will be used for purposes under the *Act*. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*.



SURVEY OF RESIDENTS TO DETERMINE COMPOSITION OF SEPARATE SCHOOL ELECTORS

Name of Each Elector	Legal Land Description	CHECK ONLY ONE COLUMN		
		*Roman Catholic	*Protestant	*Other

*** A Roman Catholic is defined as an individual who recognizes the Pope as the head of the church, e.g. Roman Catholics, Greek Catholics, and Ukrainian Catholics. A Protestant is defined as a Christian who is not a Roman Catholic. A person who is neither Roman Catholic nor Protestant is defined as Other.**

Signature of Resident

Print: _____

SCHOOL DISTRICT

Note: The personal information that is being collected under the authority of the *School Act* will be used for purposes under the *Act*. It is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act*.

Sample Letter to be Attached to Form C-2

Date

Dear Sir or Madam:

Individuals interested in establishing a separate school district in _____ School District No. _____ are conducting a census to determine if the population make up of the district meets the requirements for establishing a separate school district.

Section 17 of the *Alberta Act, 1905*, guarantees that in Alberta, the minority of either the Roman Catholic or Protestant faiths have the constitutional right to establish a separate school system. The *Canadian Charter of Rights and Freedoms* guarantees freedom of conscience and religion and equality rights, and also preserves existing constitutional rights such as those under section 17 of the *Alberta Act, 1905*. This means that because the Constitution establishes Alberta's public and separate systems on a basis of religion, either Protestant or Roman Catholic, those wishing to establish a separate school district are required to ask the religious affiliation of an elector of a public school district. It is under this authority that we ask you to provide us with an indication of which category (as defined in Form C-2) of either Roman Catholic, Protestant or Other that would best describe your religious affiliation.

We were recently at your place of residence to conduct this census and found no one at home. Would you please complete the enclosed form and return it to us in the enclosed self-addressed, stamped envelope provided for your use. If you prefer you can e-mail the information to _____ with the following information:

- Name of Elector
- Legal Land Description
- Religious Affiliation

Please provide information for each individual who resides at your address who is:

- A Canadian Citizen, and
- Has resided in Alberta for at least six consecutive months immediately preceding the survey, and
- Is 18 years of age or older.

It is important that we receive your response, as the religious affiliation of all residents of _____ School District No. _____ has an impact as to whether it is possible for the “(Roman Catholic or Protestant, as applicable)” residents to establish a separate school district.

(Name)
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If it is found that the “Roman Catholics or Protestants, as applicable” are in the minority and that there is enough interest in establishing a separate school district, we hope to have a vote for minority faith electors for The _____ School District in the near future. An advertisement will be placed in the local newspaper with the time and place of the meeting.

Thank you for your time. If you require further information or have any questions please call **(Separate School Jurisdiction for the Region)**.

Sincerely,

C. NOTICE OF ESTABLISHMENT MEETING

It is important that all separate school district electors are aware of the time, date and place of the establishment meeting. The objective should be 100% attendance of separate school district electors at the meeting.

1. Section 216 of the *School Act* states the requirements to be followed when advertising the meeting. The person(s) posting, advertising or serving notices should note the information requirements on Form 11 (page 31), the prescribed form referred to in section 216.
 - (a) Posting - The posting of five notices in a least five conspicuous places must be done inside the boundaries of the proposed separate school district for a period of at least 14 days immediately prior to the date of the meeting. This means that the notice must be posted for 14 days not counting the day it is posted and not counting the day of the public meeting.
 - (b) Publishing – The notice must be published in a newspaper circulating within the proposed separate school district once a week for at least 2 of the 3 weeks immediately prior to the week containing the date set out in the notice for the public meeting.
 - (c) Serving – The notice must be served on the board of the public school district or division within the boundaries of which the separate school district would be established at least 10 days prior to the date set out in the notice for the public meeting.
2. Note that the legal land description of the district must be stated on the notice of the meeting. A map is not acceptable. The legal land description, must be obtained from the Business Operations & Stakeholder Support Branch, Alberta Education.

3. Where possible, the same person should assume responsibility for posting, advertising, and serving notices. If it is not possible for one person to handle this, then Form 11 should be completed by each person involved in the posting, advertising and serving of notices.

D. ESTABLISHMENT MEETING

1. Section 217 of the *School Act* states the requirements for the establishment meeting. Only separate school electors may participate in the meeting. A separate school elector is a person who is an elector of the public school district in which the separate school district is to be established and is of the same faith, either Protestant or Roman Catholic, as those persons wishing to establish the separate school district.
 - (a) Persons must confirm that they are separate school electors by completing Form 14 (page 41) which is a declaration that they are separate school electors.
 - (b) Persons who do not complete Form 14 may attend the meeting as observers at the discretion of the chair.
 - (c) An authorized representative of the Minister is entitled to take part in the meeting but is not entitled to vote.
2. The quorum for a meeting is 25% of the separate school electors. The separate school electors must sign the declaration (Form 14) in the presence of two petitioners and must be in attendance prior to the commencement of the meeting. **It is recommended that if 25% of the separate school electors are not present within one hour of the time the meeting was advertised to start, the required quorum is not present at the meeting and the meeting cannot proceed.**
3. After the electors have signed the declaration, and the quorum of the meeting is satisfied, the first order of business is for the separate school electors present at the meeting to elect a chair.

4. The chair then appoints a secretary to record the minutes of the meeting, assist in the completion of the forms and perform other duties as required.
5. The chair shall vote on each question at the meeting.
6. The chair shall provide a period of time for questions and discussion about the proposed establishment of the separate school district. This may include discussion on assessment of the residents' property, election of trustees to represent them, transportation of their children, and clear indication that the establishment does not guarantee them a new school.
7. The period from the opening of the meeting through the question and discussion portion of the meeting may last up to 180 minutes. However, this portion of the meeting may be concluded sooner and the chair may then declare the polls open. **It is recommended that the adjournment of the question and discussion period of the meeting be concluded by a motion of adjournment of the discussion period, as voted upon by the meeting participants.**
8. A quorum of 25% of separate school electors must be present when the chairman declares the polls open. The poll is taken by secret ballot. Form 15 is the ballot form (page 45).
9. The chair shall preside over the taking of the poll. The secretary of the meeting shall act as the poll clerk. The secretary of the meeting shall initial each ballot provided to the electors to ensure validity of the ballot.
10. The chair and secretary must ensure that all the voters sign the Poll Book - Form 16 (pages 47) before voting.
11. The poll shall remain open for one hour. However, the chair may hold the poll open for a longer period that the chair considers reasonable under the circumstances.

12. After the chair closes the poll, the chair shall count the votes and declare the results. It is recommended that the secretary of the meeting assist the chair in counting the votes. The meeting is then adjourned.
13. If the majority of electors at the meeting vote against the establishment, no petition for a separate school district will be accepted until at least one year has passed, if less than 60 per cent voted against the establishment. If 60 per cent or more voted against the establishment, no petition will be accepted until at least two years have passed.
14. There is a considerable amount of documentation associated with a separate school district establishment. Section 218 of the *School Act* requires that the chair of the meeting send certain documents to the Minister that represent the processes in support of the establishment. It is extremely important that these documents be accurate and complete.
15. After an establishment meeting is held and the majority of the separate school electors vote to establish a separate school district, a new separate school district shall be established within a separate school region. The new separate school district shall be amalgamated with an existing separate school district identified in the Separate School Region within the geographical area described in *Alberta Regulation 109/2002*.
Where there is no Separate School Region identified, the Minister under Section 239 has discretion on where the newly separate school district will be added to.

5. COMPLETING FORMS

APPENDIX A: FORMS

There are eight prescribed forms which must be completed entirely and accurately to validate the establishment process. The following comments are included to assist you in completing the forms.

Form 10: Establishment of a Separate School District – Petition

1. Staff of the Business Operations & Stakeholder Support Branch should be contacted regarding the paper work to ensure the information is complete and accurate. You will also need to discuss a suitable date for a meeting of the separate school electors.
2. Number 2 in the form includes four categories of electors – Protestant, Roman Catholic, Other (those who are not Protestant nor Roman Catholic), and those who refuse to declare. Fill in each blank even if the number is “Nil”.
3. You must complete, date and sign the Petition (Form 10) before you take any other action regarding the establishment of the separate school district.
4. Each witness must complete an Affidavit of Witness of Signatures for Petition to Establish a Separate School District. In paragraph 1 of the Declaration, each witness fills in only the names of the Petitioners beside whose signature(s) he or she signs as a witness.
5. Complete all parts of the form.
6. Please note that you must send the original Form 10 to the Business Operations & Stakeholder Support Branch, Alberta Education, before the Minister can establish a separate school district.
7. It is recommended that you send or fax Forms 10 and 12 to the Business Operations & Stakeholder Support Branch as soon as the Petition and advertisement have been completed for review by a Business Operations Manager. If the Petition or advertisement is not completed properly, it may be necessary to make a new Petition and repeat all the next steps for establishment of a district again. It is preferable to address any mistakes in the petition and advertisement before any subsequent steps are conducted.

Therefore, your petitioners request that a Separate School District be established within the boundaries of the said _____

School District No. _____ as provided by Section 213 of the **School Act**.

Dated at the _____ of _____ in the Province of Alberta,

this _____ day of _____, 20 _____.

	Signatures of Petitioners (Must be an Elector)	Street Addresses or Legal Description	Witness (Must be an Elector)
1.	Signature _____ Printed Name		
2.	Signature _____ Printed Name		
3.	Signature _____ Printed Name		
4.	Signature _____ Printed Name		
5.	Signature _____ Printed Name		
6.	Signature _____ Printed Name		
7.	Signature _____ Printed Name		
8.	Signature _____ Printed Name		

**AFFIDAVIT OF WITNESS OF SIGNATURES FOR PETITION
TO ESTABLISH A SEPARATE SCHOOL DISTRICT**

CANADA }
PROVINCE OF ALBERTA }
TO WIT: }

I, _____ of _____
in the Province of Alberta, **MAKE OATH AND SAY:**

1. I am an elector and did personally witness the signature(s) of _____ and _____ whose name(s) appear on the attached petition.
2. To the best of my knowledge and belief, the person(s) whose signature(s) I have witnessed are electors of the proposed separate school district.

SWORN (or Affirmed) before me at _____
in the Province of Alberta, this _____
day of _____, A.D., 20 ____

Commission for Oaths or a Notary Public
or Justice of the Peace
in and for the Province of Alberta

}

Person Witnessing Signatures
}

PRINT OR STAMP NAME HERE

MY APPOINTMENT EXPIRES

Must be legibly printed, or stamped in legible printing if appointed under Sections 5 and 6 of the **Commissioners for Oaths Act**. If a lawyer or trustee, please indicate.

NOTE TO INDIVIDUAL COMPLETING AFFIDAVIT:
List only the names of those separate school electors whose signatures you witnessed. (Do not include your own name in the list). Each witness will complete a separate **AFFIDAVIT OF WITNESS OF SIGNATURES FOR PETITION TO ESTABLISH A SEPARATE SCHOOL DISTRICT**.
Return to Business Operations & Stakeholder Support Branch, Alberta Education, 8th Floor Commerce Place,
10155 - 102 Street, Edmonton, Alberta, T5J 4L5

Form 11: Declaration Notice of Meeting

1. Ensure that all the information is complete and accurate.
2. The notice advertisement in the newspaper must always include the petitioners' names.
3. Ensure all declarations required by this form are properly notarized. All Exhibits must be attached when you complete the declaration. You cannot attach them later and would need to complete another declaration attaching missing Exhibit(s).
4. Please note that the original of Form 12 (Proposed Separate School District Notice of Public Meeting) must be attached as Exhibit "A".
5. A copy of each of the newspaper advertisements is attached as an Exhibit. The first advertisement that includes the date of the publication would be attached as Exhibit "B" and the second advertisement that includes the date of the publication would be attached as Exhibit "C".
6. You may wish to publish the notice in more than one newspaper to reach as many separate school electors as possible.
7. Where possible, try to ensure one separate school elector carries out all the functions of serving and posting of notices.
8. If different electors carried out the functions of serving and posting, each of those electors must complete a declaration confirming the action he or she carried out. If you are not sure how to complete the declarations, please contact the Business Operations & Stakeholder Support Branch, Alberta Education

PART B

PUBLICATION OF NOTICES

1. Attached as Exhibit "B" is a true copy of the first Notice of Public Meeting published in the _____ on the _____ of _____, 20____
 Name of Newspaper Day Month
 in accordance with Section 216 of the **School Act**.

2. Attached as Exhibit "C" is a true copy of the second Notice of Public Meeting published in the _____ on the _____ of _____, 20____
 Name of Newspaper Day Month
 in accordance with Section 216 of the **School Act**.

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of the **Alberta Evidence Act**.

Declared before me at the _____
 of _____ in the Province of Alberta,
 this _____ day of _____, A.D., 20 _____

 Commissioner for Oaths or a Notary Public
 in and for the Province of Alberta

 Signature of Person Making Declaration

PRINT OR STAMP NAME HERE

MY APPOINTMENT EXPIRES

Must be legibly printed or stamped in legible printing if appointed under Section 5 or 6 of the **Commissioners for Oaths Act**. If a lawyer or trustee, please indicate.

ATTACH ORIGINAL FORM 12

This is Exhibit "A" referred to in the Statutory Declaration of _____
Name of Person

declared before me this _____ day of _____, 20

Commissioner for Oaths or Notary Public
in and for the Province of Alberta

PRINT OR STAMP NAME HERE

MY APPOINTMENT EXPIRES

Must be legibly printed or stamped in legible printing if appointed under Section 5 or 6 of the **Commissioners for Oaths Act**. If a lawyer or trustee, please indicate.

ATTACH PUBLISHED NEWSPAPER AD SHOWING DATE OF PUBLICATION

This is Exhibit "B" referred to in the Statutory Declaration of _____
Name of Person
declared before me this _____ day of _____, 20

Commissioner for Oaths or Notary Public
in and for the Province of Alberta

PRINT OR STAMP NAME HERE

MY APPOINTMENT EXPIRES

Must be legibly printed or stamped in legible printing if appointed under Section 5 or 6 of the **Commissioners for Oaths Act**. If a lawyer or trustee, please indicate.

ATTACH PUBLISHED NEWSPAPER AD SHOWING DATE OF PUBLICATION

This is Exhibit "C" referred to in the Statutory Declaration of _____
Name of Person
declared before me this _____ day of _____,
20____

Commissioner for Oaths or Notary Public
in and for the Province of Alberta

PRINT OR STAMP NAME HERE

MY APPOINTMENT EXPIRES

Must be legibly printed or stamped in legible printing if appointed under Section 5 or 6 of the **Commissioners for Oaths Act**. If a lawyer or trustee, please indicate.

Form 12: Proposed Separate School District Notice of Public Meeting

1. Ensure that all the information is complete and accurate, including the legal land description of the district.
2. You must attach the original Form 12 (with original signatures) to Form 11 and then send both originals to the Business Operations & Stakeholder Support Branch, Alberta Education.
3. You must serve a copy of Form 12 on the public school board at least ten (10) days before the meeting, not counting the date the notice was served and not counting the date of the meeting.
4. It is suggested that you allow extra time to serve the notice within the deadline. If you do not give the public school board the legally required notice, you will have to call a new meeting and repeat all the subsequent steps.
5. You must post a copy of Form 12 in five (5) or more conspicuous places in the proposed 4 x 4 district boundaries. The postings must be 14 days before the actual meeting date, not counting the day the notices are posted and not counting the day of the meeting. For the reasons outlined above, that you should give yourself a few extra days for posting.
6. You must publish a copy of Form 12 in a newspaper circulating in the geographical area of the proposed separate school district once a week for at least two of the three weeks immediately prior to the week containing the date set out in the notice for the public meeting. This means two publications of the notice. This publication must include the names of at least three petitioners.

**PROPOSED SEPARATE SCHOOL DISTRICT
NOTICE OF PUBLIC MEETING
School Act, Section 216**

The personal information collected on this form is collected pursuant to the provisions of Section 33(c) of the **Freedom of Information and Protection of Privacy Act**, R.S.A 2000, cF-25, and Sections 213, 214(2), 215, 216 and 218 of the **School Act**, R.S.A 2000, cS-3 for the purposes of petitioning the Minister of Education to establish a separate school district. Should you have any questions regarding this activity, please contact Business Operations & Stakeholder Support Branch, Alberta Education, 8th Floor, Commerce Place, 10155 – 102 Street, Edmonton, Alberta, T5J 4L5, Phone: (780) 644 2483.

Notice is hereby given that a meeting of the separate school electors of the proposed

Name of District _____ Specify Protestant or Roman Catholic _____
 Separate School District will be held at _____
 on the _____ day of _____, 20 _____,
 at the hour of _____ o'clock (a.m. / p.m.) for the purpose of taking a vote to determine whether
 the separate school district should be established.

The proposed district includes the following lands, legally described herein.

Note: The only persons entitled to participate in and vote at the meeting are the Separate School electors
 of the _____ School District No. _____

1.		
2.		
3.		
4.		
5.		
6.		
	Signature of Petitioners	Printed Names of Petitioners

Note: Definition of Separate School Elector

School Act
212 In this Division,
 (b) "separate school elector" means an individual who,
 (i) in the case where a separate school district is not established,
 (A) is an elector of the public school district, and
 (B) is either of the Protestant or Roman Catholic faith, whichever is the minority in the public school district.
 and
 (ii) in the case where a separate school district is established, is a Protestant or Roman Catholic, as the case may be, and is an elector of that separate school district.

Return a copy to Business Operations & Stakeholder Support Branch, Alberta Education,
 8th Floor Commerce Place, 10155 – 102 Street, Edmonton, Alberta T5J 4L5

Form 13: Meeting of Separate School Electors

1. Make sure that all the information is complete and accurate.
2. The secretary shall record the minutes of the meeting on Form 13, complete with the time the meeting was called to order, the time the poll opened and closed, and the time the meeting was adjourned.
3. Once the ballots have been counted, the results of the poll are recorded.
4. The signature of the secretary and chair are required.

MEETING OF SEPARATE SCHOOL ELECTORS

School Act, Sections 217(2) and 218(c)

MINUTES OF MEETING

A meeting of the electors of the proposed

Name of District Specify Protestant or Roman Catholic

was held at _____, Alberta, on the _____ day _____, 20 _____

The meeting was called to order at _____ o'clock (a.m. / p.m.).

_____ was duly elected Meeting Chair
Name

and

_____ was appointed Meeting Secretary.
Name

After the petitioners and electors had signed the declaration in the form prescribed under the **School Act**, Section 217(2) [Form 14], a poll commencing at _____ o'clock (a.m. / p.m.), was taken of the votes of the separate school electors for and against the establishment of the proposed separate school district. The poll remained open for at least one hour and the Meeting Chair declared the poll closed. The Meeting Chair counted the votes and declared the result of the poll.

The result of the poll was as follows:

For the Establishment	_____
Against the Establishment	_____
Spoiled Ballots	_____
Total	=====

The meeting was adjourned at _____ o'clock (a.m. / p.m.).

I hereby certify that the following is a true copy of the minutes of the meeting of the Separate School Electors.

Signature – Meeting Secretary

Signature – Meeting Chair

Return a copy to Business Operations & Stakeholder Support Branch, Alberta Education, 8th Floor, Commerce Place,
10155 - 102 Street, Edmonton, Alberta T5J 4L5

Form 14: Declaration of Petitioners and Separate School Electors

1. Ensure that all the information is complete and accurate.
2. Form 14 is the instrument used to take the declaration of separate school electors. Separate school electors, who are going to participate in the meeting and vote must sign Form 14. Only those eligible to be separate school electors may participate and vote.
3. **You cannot certify or witness your own signature.** Because you cannot witness your own signature, more than one Form 14 will be required. If there are three petitioners, three Form 14's will need to be completed. If there are four or more petitioners, two Form 14's will need to be completed.

**DECLARATION OF PETITIONERS
AND SEPARATE SCHOOL ELECTORS**
School Act, Section 217(2)

The personal information collected on this form is collected pursuant to the provisions of Section 33(c) of the **Freedom of Information and Protection of Privacy Act**, R.S.A 2000, cF-25, and Sections 213, 214, 217 and 218 of the **School Act**, R.S.A 2000, cS-3 for the purposes of petitioning the Minister of Education to establish a separate school district. This information will be treated in accordance with the **Freedom of Information and Protection of Privacy Act**. Should you have any questions regarding this activity, please contact Business Operations & Stakeholder Support Branch, Alberta Education, 8th Floor, Commerce Place, 10155 – 102 Street, Edmonton, Alberta T5J 4L5, Phone: (780) 644 2483.

Each of the undersigned declare that he or she is a separate school elector of the

Public School District No. _____ and is of the _____ faith.
Protestant or Roman Catholic

	NAME Please Print	SIGNATURE	RESIDENCE If not in a city, town, or village, state legal description of the "home quarter" or subdivision lot number
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____

We certify that the above people were present and signed the above declaration.

 Petitioner – Signature
 must be listed on Form 10

 Petitioner – Signature
 must be listed on Form 10

 Name - Please Print

 Name - Please Print

A Petitioner may not certify his or her own signature.

Dated the _____ day of _____, 20 __

Each of the undersigned declare that he or she is a separate school elector of the

Public School District No. _____ and is of the _____ faith.
Protestant or Roman Catholic

	NAME Please Print	SIGNATURE	RESIDENCE If not in a city, town, or village, state legal description of the "home quarter" or subdivision lot number
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____

We certify that the above people were present and signed the above declaration.

 Petitioner – Signature
 must be listed on Form 10

 Petitioner – Signature
 must be listed on Form 10

 Name - Please Print

 Name - Please Print

A Petitioner may not certify his or her own signature.

Dated the _____ day of _____, 20 __

Note: Definition of Separate School Elector

School Act

212 In this Division

- (b) "separate school elector" means an individual who,
 - (i) in the case where a separate school district is not established,
 - (A) is an elector of the public school district, and
 - (B) is either of the Protestant or Roman Catholic faith, whichever is the minority in the public school district,
 - and
 - (ii) in the case where a separate school district is established, is a Protestant or Roman Catholic, as the case the may be, and is an elector of that separate school district.

Return a copy to Business Operations & Stakeholder Support Branch, Alberta Education, 8th Floor, Commerce Place,
10155 - 102 Street, Edmonton, Alberta T5J 4L5

Form 15: Ballot

1. After the poll book (Form 16) has been signed by the elector, the secretary will initial the folded ballot (Form 15) and give that ballot to the elector.
2. The completed ballot must be returned to a petitioner who has been assigned to monitor the ballot box. The petitioner is to ensure that the initialed ballot is placed in the ballot box.

BALLOT
FORMATION OF SEPARATE SCHOOL DISTRICT
School Act, Section 276

QUESTION: Do you favour the establishment of a separate school district within the existing relevant school district boundaries?

DIRECTIONS: Place an **X** in the appropriate box to indicate that you are either **FOR** the Establishment of the proposed separate school district, or **AGAINST** the Establishment of the proposed separate school district.

FOR Establishment	<input type="checkbox"/>
AGAINST Establishment	<input type="checkbox"/>

Form 16: Poll Book

1. Ensure that all the information is complete and accurate.
2. Ensure that all the voters register in the Poll Book before voting. More than one page may have to be used.
3. If a voter's name appears on the list in Form 16, he or she must also have signed Form 14. You may have fewer separate electors signing Form 16 than those that have signed Form 14, however, you cannot have more signatures than on Form 14.

Since the poll must be open for at least one hour, you might want to consider leaving it open for a little longer than 60 minutes to ensure the time requirement is satisfied.

POLL BOOK
School Act, Section 276

The personal information collected on this form is collected pursuant to the provisions of Section 33(c) of the **Freedom of Information and Protection of Privacy Act**, R.S.A 2000, cF-25, and Sections 213, 214, 217 & 218 of the **School Act**, R.S.A 2000, cS-3 for the purposes of petitioning the Minister of Education to establish a separate school district. Should you have any questions regarding this activity, please contact Business Operations & Stakeholder Support Branch, Alberta Education, 8th Floor, Commerce Place, 10155 – 102 Street, Edmonton, Alberta T5J 4L5, Phone: (780) 644 2483.

The Vote on the establishment of the proposed

Name of District Specify Protestant or Roman Catholic
Separate School District of the province of Alberta, was taken at a meeting held on the
_____ day of _____, 20 _____.

The Poll opened at _____ o'clock (a.m. / p.m.) and closed at _____ o'clock (a.m. / p.m.).

Note:
Immediately after the period for questions and discussion, but not later than 180 minutes after the opening of the meeting, the chair shall, if there is a quorum present, proceed to take a poll of the votes of the separate school electors for and against the establishment of the separate school district. [**School Act**, Section 217(11)]
The poll shall remain open for one hour or any longer period that the chair considers reasonable in the circumstances. [**School Act**, Section 217(14)]

NAME OF VOTER Please Print	RESIDENCE If not in a city, town, or village, state legal description of the "home quarter" or subdivision lot number
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____

Meeting Chair Meeting Secretary

NAME OF VOTER
Please Print

RESIDENCE
If not in a city, town, or village, state legal description
of the "home quarter" or subdivision lot number

1	_____	_____
2	_____	_____
3	_____	_____
4	_____	_____
5	_____	_____
6	_____	_____
7	_____	_____
8	_____	_____
9	_____	_____
10	_____	_____
11	_____	_____
12	_____	_____
13	_____	_____
14	_____	_____
15	_____	_____
16	_____	_____
17	_____	_____
18	_____	_____
19	_____	_____
20	_____	_____
21	_____	_____
22	_____	_____
23	_____	_____
24	_____	_____
25	_____	_____

Meeting Chair

Meeting Secretary

Return a copy to Business Operations & Stakeholder Support Branch, Alberta Education,
8th Floor, Commerce Place, 10155 - 102 Street, Edmonton, Alberta ,T5J 4L5

Form 19: Certificate of Meeting Chair

- 1 Ensure that all the information is complete and accurate.
- 2 The number of separate school electors is the number of electors that signed the declaration (Form 14).

CERTIFICATE OF MEETING CHAIR
School Act, Section 276

I certify that _____ separate school electors were present at the meeting to establish a
Number
separate school district. (The total number from Form 14).

Proposed Name of District Specify Protestant or Roman Catholic

Separate School District) and _____ separate school electors are required to form a quorum in
Number

that district in accordance with Section 217(1) of the **School Act**. The quorum for a meeting is 25% of the separate school electors.

Signed this _____ day of _____, 20 _____ .

MEETING CHAIR

Signature Name - Please Print

Address Telephone Number

City Province Postal Code

Return a copy to Business Operations & Stakeholder Support Branch, Alberta Education,
8th Floor, Commerce Place, 10155 - 102 Street, Edmonton, Alberta, T5J 4L5