

Establishing a Separate School District

Information Package

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CONTACTS

Staff in the Business Operations and Stakeholder Support Branch manage the process for establishing separate school districts. They are available to assist you with understanding legislation, conducting a census and/or census training and completing forms as required by the *Establishment of Separate School Districts Regulation*. Branch staff also provide legal land descriptions and maps of Alberta school jurisdictions, chair the community information meeting and act as the returning officer and deputy returning officer for the establishment vote.

If you require assistance, please contact the Business Operations and Stakeholder Support Branch at **780-427-2055**.

For more information on legislation that governs the separate school establishment process, please refer to the [School Act](#), the [Establishment of Separate School Districts Regulation](#), the [Separate School Regions Establishment and Provision of Services Order](#) and the [Local Authorities Election Act](#).

PREFACE

This information package will assist separate school electors with the separate school establishment process.

The right of Protestants or Roman Catholics to establish a separate school district is enshrined in legislation: Section 93 of the *British North America Act*, 1867 (now the *Constitution Act*, 1982); the *Alberta Act*, 1905; Section 29 of the *Charter of Rights and Freedoms*; and the *School Act*.

Government has made a commitment to have one publicly funded system of education with two dimensions—the public schools and the separate schools. To meet this commitment, it is necessary to legislate a method for establishing separate school districts. The establishment process separates the minority denominational faith from the majority denominational faith (either Protestant or Roman Catholic), with Roman Catholics typically being in the separate system because they are generally the minority faith.

Most of Alberta is divided into historical public school districts, commonly called **4x4s**, because they were about four miles square when they were originally established. The historical public school districts form the geographical land descriptions used for separate school district establishments. There are approximately 5,600 4x4s in the province. They are referred to as public school districts in the *School Act*, which are different from operating public school jurisdictions. School jurisdictions are referred to as school districts, school divisions or regional divisions in the *School Act*.

The province is also divided into 16 **separate school regions** through the *Separate School Regions Establishment and Provision of Services Order*. Each region is associated with a specific Roman Catholic separate school board. New separate school establishments are added to the separate school region they fall under.

The *School Act* sets out the procedures the minority faith must follow when exercising the right to establish a separate school district.

Why Establish?

Once a separate school district is established, education services must be delivered to the minority faith students, either Protestant or Roman Catholic, who are now considered to be resident students of the separate school board. Under Section 44 of the *School Act*, a student belongs to the board their parent(s) resides in. After an area has been established and the parent(s) is of the minority faith, they are no longer considered to be residents of the public school board, which is the board all other individuals fall under.

Eligible residents of a separate school district are also able to vote and/or run as a separate school trustee during a municipal election or by-election. All other eligible individuals are able to vote and/or run as a public school trustee. In addition, the education property taxes assessed for property belonging to individuals who are of the minority faith will go toward the separate school district.

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.

Eligibility

For the purposes of this information package, and in accordance with the *School Act*, these rules apply to residence:

- A person can have only one place of residence.
- 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.
- When a person leaves a district, division or unorganized territory 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.
- When a person leaves Alberta with the intention of residing outside Alberta, that person's residence in Alberta ceases.

An eligible **separate school elector** is someone 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 vote;
- (d) a resident of the public school district on the day on which the establishment vote is held; and
- (e) in the case where a separate school district is not established, is either of the Protestant or Roman Catholic faith, whichever is the minority faith in the public school district.

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 not Roman Catholic or Protestant is defined as neither.

THE PROCESS TO ESTABLISH A SEPARATE SCHOOL DISTRICT

[Division 2, Establishment and Dissolution of Separate School Districts](#) of the *School Act* describes the process separate school electors must follow to establish, or form, a separate school district. Certain sections of the *School Act* are focused on the rights of separate school electors.

If the minority faith separate school electors proceed according to the requirements of the *School Act* and choose to establish a separate school district, the Minister must establish the separate school district. For this reason, it is essential the steps required to establish a separate school district are completed in accordance with the legal requirements under the *School Act*.

To establish a separate school district, the following steps must be completed:

1. The Minister is notified, in writing, of the separate school electors' intent to establish a separate school district.
2. The separate school board, public school board and municipality are notified of the electors' intent to establish.
3. The separate school board and public school board are notified of a meeting to determine the establishment area.
4. A meeting is held between the separate school board, public school board and the electors to determine the establishment area.
5. The establishment area is determined.
6. A census is conducted to determine if the minority faith is Protestant or Roman Catholic in the proposed establishment area. (If the census results show that the separate school electors are in the majority faith, the separate school establishment does not proceed.)
7. Notice for a community information meeting is publicly displayed.
8. A community information meeting is held.
9. Notice for the vote for the separate school establishment is publicly displayed.
10. A vote is held for the separate school establishment.
11. The establishment documentation is submitted to the Minister.

Because BOSS staff serve as both the chair and secretary for the community information meeting and the returning officers and deputy returning officers for the establishment vote, it is imperative the initiating separate school electors coordinate dates and facilities for both events early in the process.

1. Notice of Intent to Establish

When pursuing the establishment of a separate school district, a minimum of three separate school electors are required to show their interest for the establishment process to move forward. One of the electors must contact the Business Operations and Stakeholder Support (BOSS) Branch at 780-427-2055, which begins the process to establish.

The initiating separate school electors must fill out **Form 1 – Notice of Intent to Establish a Separate School District** and send it to the Minister, in the care of BOSS, by email or mail to their BOSS contact. This form must be received on or before **October 30** for the establishment to be effective for the following school year. Ministry staff will confirm they received it.

The initiating separate school electors' BOSS contact will provide the historical public school district's **legal land description** and a link to the applicable school jurisdiction map on [Alberta Education's website](#). They will also provide the separate school electors with contact information for both the separate school board and the public school board.

2. Notifying the Separate and Public School Boards and the Municipality

After submitting Form 1 to BOSS, the initiating separate school electors must provide a copy of this form to the separate school board, the public school board and the municipality to notify them of the electors' intent to establish.

3. Notice of Meeting to Determine the Establishment Area

For the establishment process to proceed, the initiating separate school electors, separate school board and public school board must meet to determine the **establishment area**.

As a courtesy, the initiating separate school electors should contact both boards to arrange a mutual time, date and location for the meeting. Once a date is determined, the electors must notify the boards of the date, time and location by either email or mail at least **7 days prior to the meeting, not including the day notice is given**. The meeting must also occur **within 90 days** of notifying the Minister about the electors' intent to establish, not including the date the notice was given.

Ideally the meeting should be face to face between all three parties. If necessary, however, it can take place by teleconference or video conference.

If the electors want the establishment to take effect for the following school year, the meeting to determine the establishment area must happen on or before **November 14**.

4. Meeting to Determine the Establishment Area

The initiating separate school electors should be sure to bring the school jurisdiction map and legal land description they received from their BOSS contact to the meeting. During the meeting, the separate and public school boards and the electors will discuss the potential establishment area.

When determining the establishment area, the historical public school district(s) to be established must be included in its entirety and be within the boundaries of the local public school board and the predetermined separate school region.

5. The Establishment Area is Determined

At the end of the meeting to determine the establishment area, the initiating separate school electors must fill out **Form 2 – Separate School Establishment Area** and email or mail it to their BOSS contact. If any of the parties fails to sign this form, it will be interpreted as the parties disagreeing on the establishment area, even if the box on the form for this purpose is not checked. If the establishment area meeting is done by teleconference or video conference, the party that phones in is still expected to sign the form.

If the parties were unable to come to an agreement on the establishment area, the Minister will determine the area. The establishment area must be determined on or before **December 7** for the establishment to be effective for the following school year. If there was a disagreement on the establishment area between the three parties, the Minister will determine the area.

6. Conducting a Census to Determine the Minority Faith

To proceed with the establishment, a census must be conducted of **all** residents in the proposed establishment area to see which faith, either Protestant or Roman Catholic, is the minority. The initiating separate school electors are strongly encouraged to play an active role during this process. They are also encouraged to take advantage of census training, which is provided by BOSS staff. Training will improve the census's accuracy, which will also help ensure the establishment is effective for the next school year. Once complete, the census is valid for one year.

For the establishment to take effect for the following school year, the separate school electors should:

- begin census taking, after the establishment area is determined, on or before **December 16**;
- complete the first round of census taking on or before **February 6**;

- complete the second round of census taking, which is to return to those residences where census takers left information, on or before **February 17**;
- receive all information for the census on or before **February 27**; and
- submit all census information to BOSS on or before **February 28**.

Although these dates are not prescribed, adhering to this timeline ensures the community information meeting and the vote will take place in time for the establishment to take effect for the next school year.

Before beginning the census, it is best practice for the initiating separate school electors to obtain a county map from the municipality. The county map will assist with determining which residences are located inside the proposed establishment area. The initiating separate school electors may also use the school jurisdiction map they used for the establishment area meeting.

BOSS encourages separate school electors to let the community know a census is happening and why. This may lead to a higher participation rate and prevents the community from being concerned about knockers at their doors.

To be counted in the census, each resident must be an eligible elector, and there may be more than one eligible elector at each household. An eligible elector is one who is:

- (a) 18 years of age or older;
- (b) a Canadian citizen; and
- (c) a resident of Alberta for six consecutive months immediately preceding the estimated establishment vote date.

Census takers must visit each household in the proposed establishment area **at least once**. Regardless of whether someone is home, census takers must complete **Form C-1 – Survey of Residents to Determine the Composition of Separate School Electors**.

1. **Name of Elector** – Record each eligible elector’s name in the household.
2. **Legal Land Description** – The elector’s address or legal land description.
3. **Faith** – Check one box. Electors may be Protestant, Roman Catholic or neither, or they may choose not to provide any information. For the purposes of the census, the following table outlines who is considered Roman Catholic and who is considered Protestant:

ROMAN CATHOLIC	PROTESTANT
<p><u>Alexandrian Tradition</u></p> <ul style="list-style-type: none"> • Coptic Catholic Church • Ethiopian/Eritrean Catholic Church <p><u>Antiochian Tradition</u></p> <ul style="list-style-type: none"> • Maronite Catholic Church • Syrian Catholic Church • Syro-Malankara Catholic Church <p><u>Armenian Tradition</u></p> <ul style="list-style-type: none"> • Armenian Catholic Church <p><u>Chaldean or Eastern Syrian Tradition</u></p> <ul style="list-style-type: none"> • Chaldean Catholic Church • Syro-Malabar Catholic Church <p><u>Byzantine or Constantinopolitan Tradition (Greek Catholic)</u></p> <ul style="list-style-type: none"> • Melkite Greek Catholic Church • Ukrainian Greek Catholic Church • Romanian Greek Catholic Church • Ruthenian Greek Catholic Church • Greek Catholic Eparchy of Mukachevo • Hungarian Greek Catholic Church • Slovak Greek Catholic Church • Ruthenian Catholic Apostolic Exarchate of Czech Republic • Italo-Albanian Catholic Church • Greek Catholic Apostolic Exarchate for Serbia • Greek Catholic Eparchy of Križevci • Apostolic Exarchate in the Republic of Macedonia • Bulgarian Greek Catholic Church • Greek Byzantine Catholic Church 	<ul style="list-style-type: none"> • Alliance • Anglican Church of Canada • Baptist • Christian Reform • Christian Science • Church of the Nazarene • Church of Jesus Christ of the Latter Day Saints (Mormon) • Eastern Orthodox • Foursquare • Jehovah's Witness • Lutheran • Mennonite • Methodist • Pentecostal • Presbyterian • Salvation Army • Seventh Day Adventist • The Church of England • Ukrainian Orthodox • Unitarian • United Church of Canada

4. **Left Information (Date & Time)** – Record the date and time of your first attempt.
 - a. Census takers must leave a letter (see Appendix 2 for a template) and **Form C-2 – Survey of Residents to Determine the Composition of Separate School Electors** at the residence with the legal land description line filled out. If the census taker does not hear back from the elector(s) at the residence within 10 days, not including the day the census is completed, they must return to the house for a second visit.
 - i. Census takers may accept a completed Form C-2 that is scanned and emailed, a picture of the form either by email or text, or the elector may call the census taker and provide their information over the phone.
5. **Second Visit If Applicable (Date & Time)** – If the census taker does not hear back from the eligible elector(s) at the residence, they must visit the residence a second time.
 - a. Record the date and time of this second visit and, if the eligible elector(s) is home, complete the Name of Each Elector, Legal Land Description and Faith sections.
 - b. If nobody answers again, census takers must leave another letter and a second copy of Form C-2 at the residence with the legal land description line filled out. If the census taker does not hear back from the elector(s) at the residence within 10 days, they must check off the No Information column on Form C-1.

Census takers may encounter situations where they are unable to access electors' homes—in an apartment complex or a gated community, for example. If this is the case and the census taker is unable to enter the building/community, they should contact their BOSS staff member, who will advise them on what to do.

If, at any point, the census takers are unsure, they should contact BOSS for assistance.

BOSS may request the entire census. Census takers are encouraged to use the electronic fillable Form C-1 but, if unable to do so, should ensure the hardcopy forms are accurate and legible.

After the census is complete and if the initiating separate school electors' faith is determined to be the minority faith, the electors must petition the Minister by submitting **Form 3 – Separate School Establishment Petition** to their BOSS contact for review. They can then proceed with planning the community information meeting. Those separate school electors identified on Form 3 are now known as **separate school petitioners**.

If, after the census is complete, the faith of the initiating separate school electors is the majority faith, the establishment process does not proceed.

7. Advertising the Community Information Meeting

The community information meeting gives the local community a chance to hear more about the proposed establishment. The separate school petitioners must advertise the meeting at least **7 days prior to the meeting, not including the day of posting or the day of the meeting**. This means that for the establishment to be effective for the following school year, the petitioners must keep timelines in mind to ensure the vote happens on or before **March 31**.

The petitioners must put up **5 physical postings** (e.g., on a post office bulletin board) throughout the proposed establishment area for a **minimum of 7 days, not including the day they were posted**, before the meeting. These five postings must be created using **Form 5 – Notice of the Community Information Meeting**. BOSS recommends taking pictures of where these postings are as proof they were put up.

The petitioners must also work with the public and separate school boards to ensure an advertisement for the community information meeting is posted prominently on both boards' websites. The petitioners have the freedom to design the advertisements however they like as long as the advertisements contain the date, time and location of the community information meeting.

The petitioners may also consider using social media, newspapers and radio to advertise.

The petitioners must also complete and submit **Form 4 – Establishment of a Separate School District Notice of Community Information Meeting** to their BOSS contact. When they submit, they must also include a timestamped screenshot of the boards' websites where they advertised the community information meeting date, time and location.

8. The Community Information Meeting

For the establishment to be effective for the next school year, the community information meeting must be held on or before **March 20**. At this meeting, the petitioners and the separate and public school boards present information to the community. The presentations are followed by a question and answer period. Attendees will be asked to sign in and state which organization they represent—such as media outlets, government, municipalities or school boards—if any. This information will be recorded on Part B of **Form 8 – Establishment of a Separate School District Community Information Meeting Record and Minutes**.

A representative of the Minister of Education chairs the meeting. The chair is responsible for appointing a secretary and reads the petition at the beginning of the meeting. The chair also moderates the discussion, including limiting speaking time if needed, opens and closes the meeting, and signs off on the meeting minutes.

After the meeting, the separate school petitioners will prepare to serve notice to the public school board of the establishment vote.

9. Advertising the Establishment Vote

After the community information meeting, the separate school petitioners need to advertise the establishment vote. The results of the vote will determine whether the proposed establishment area becomes a separate school district.

The vote must occur between **10 and 30 days** after the community information meeting, and the separate school petitioners must serve the public school board notice of the vote at least **10 days prior** to the vote date, **not including the day notice is served or the day of the vote**. For the establishment to take effect for the next school year the petitioners must keep timelines in mind to ensure the vote happens on or before **March 31**.

The petitioners must put up **5 physical postings** (e.g., on a post office bulletin board) throughout the proposed establishment area for a **minimum of 7 days** before the vote, **not including the day it was posted or the day of the vote**. These five postings must be created using **Form 7 – Notice of the Vote for the Establishment of a Separate School District**. BOSS recommends taking pictures of where these postings are as proof they were put up.

The petitioners must also work with the public and separate school boards to ensure an advertisement for the vote is posted prominently on both boards' websites. The petitioners have the freedom to design the advertisements however they like as long as the advertisements contain the date, time and location of the vote.

The petitioners may also consider using social media, newspapers and radio to advertise.

The petitioners must also complete and submit **Form 6 – Establishment of a Separate School District Notice of Vote** to their BOSS contact. When they submit, they must also include a timestamped screenshot of the boards' websites where they advertised the vote.

10. Voting on the Separate School Establishment

The Minister of Education will appoint a returning officer. The returning officer will appoint a deputy returning officer(s) and establish the voting station(s). The separate school petitioners are asked to provide contact information for a representative so that BOSS can give them the results of the vote. The representative is also responsible for providing all of the establishment's required documentation to the returning officer.

The voting stations will be open from 10 a.m. to 8 p.m. Voters are required to bring their address and/or legal land description to the polling station. All parties are asked to respect the secret ballot process—BOSS staff will not provide updates on the polls or tally votes prior to 8 p.m., when the polls close. To meet **quorum**, at least **25%** of eligible separate school electors in the proposed establishment area must vote. If quorum is not met, votes are not counted and the petitioners and separate and public school boards will be notified as soon as possible.

If quorum is met, votes will be counted, and the same three parties will be notified of the results as soon as possible. If feasible, this will be the same day the vote is counted.

11. Submitting the Documentation

After the vote and if quorum is met, the returning officer will deliver all of the establishment's required documentation to the Minister. If all criteria has been met and the vote is in favour to establish, the Minister will establish the separate school district.

APPENDICES

Appendix 1: Glossary of Terms

4x4: The term used to refer to Alberta's historical public school districts, which were approximately four miles square when they were originally established. These areas make up the whole of each public school board and, when separate school electors choose to establish, the geographical land descriptions for the area to be established.

Days: Refers to calendar days.

Establishment area: The area the separate school electors plan to establish as a separate school district. An establishment area can be made up of one or more 4x4s.

Legal land description: The geographical description of a 4x4. Legal land descriptions are based on the [Alberta Township Survey system](#) and include townships and ranges, which are further broken down into sections, including half sections and quarter sections. Separate school electors use legal land descriptions to determine the area in which they need to conduct the census.

Quorum: The minimum number, which is 25%, of separate school electors needed to vote either for or against the establishment.

Separate school elector: An elector who is of the minority faith, either Protestant or Roman Catholic. They must be 18 years of age or older; a Canadian citizen; a resident of Alberta for six consecutive months immediately preceding the establishment vote; a resident of the public school district on the day on which the establishment vote is held; and in the case where a separate school district is not established, is either of the Protestant or Roman Catholic faith, whichever is the minority faith in the public school district.

Separate school petitioner: Following the census and the determination of the minority faith, a separate school elector is now referred to as a petitioner if noted on Form 4.

Separate school region: A region governed by a separate school district, as laid out in the *Separate School Regions Establishment and Provision of Services Order*.

Appendix 2: Sample Letter to be Left with Form C-2

Date

Dear Resident(s):

I am conducting a census in _____ School District No. _____ to determine if the population's religious affiliation meets the criteria for us to establish a separate school district. I stopped by your residence but nobody was home.

Minority faith education rights are guaranteed under the *Constitution of Canada*. They are also ensured through provincial legislation in Section 17 of the *Alberta Act, 1905*, which guarantees the constitutional right of the minority religious group, either Protestant or Roman Catholic, to establish a separate school district. The Government of Alberta and the *School Act* recognize one publicly funded system of education in Alberta whose primary mandate is to provide education programs to students through two dimensions—public schools and separate schools.

To establish a separate school district, we must ask the religious affiliation of all electors in this area. It is under our legislated authority that we ask you to tell us which category on Form C-2, attached to this letter, best describes your religious affiliation: Protestant, Roman Catholic or neither. You may also refuse to disclose.

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. Neither is defined as a person who is not Roman Catholic or Protestant.

On Form C-2, please fill out your name and check whichever box under Faith best describes yours. Please provide this information for each eligible elector in your household. An elector is someone who is a Canadian citizen, has resided in Alberta for at least six consecutive months immediately preceding the estimated establishment vote date and is 18 years of age or older.

Once you have finished filling out Form C-2, you can scan and email it to

_____ or take a picture and text it to _____.
Alternatively, you can call and speak to me, and I will record the information you provide.

It is important that I hear back from you because the religious affiliation of all residents in the proposed establishment area impacts whether we are able to establish a separate school district.

We encourage you to watch your local school board's website for developments on this establishment. If you have any questions, please do not hesitate to contact

Sincerely,

Appendix 3: Important Dates

If the separate school electors want to have their establishment take place for the next school year, they must adhere to the following dates:

DATE	ACTION
On or before October 30*	Complete and submit Form 1 to BOSS.
On or before November 14*	Meeting to determine the establishment area must be held.
On or before December 7*	Establishment area must be determined by the separate and public school boards and the initiating separate school electors. If the separate and public school boards and the initiating separate school electors were unable to determine the establishment area, the Minister must do so.
On or before December 16	Begin taking the census in the proposed establishment area.
On or before February 6	Complete the first round of census taking.
On or before February 17	Complete the second round of census taking.
On or before February 27	Receive all information for the census from residents.
On or before February 28	Submit all census information to BOSS.
On or before March 12	Community information meeting must be advertised.
On or before March 20	Community information meeting must be held.
On or before March 23	Vote must be advertised.
On or before March 31*	Vote must be held.

*Refers to legislated dates.

Appendix 4: Checklist

Notify the Minister

- Contacted the Business Operations and Stakeholder Support (BOSS) Branch to begin the establishment process (requires a minimum of 3 eligible separate school electors).
- Completed Form 1 and emailed or mailed it to BOSS.
- Obtained the applicable school jurisdiction map and legal land description from BOSS.
- Obtained contact information for the separate school board and public school board from BOSS.
- Sent a copy of Form 1 to the separate and public school boards and the municipality.

Establishment Area Meeting

- Contacted the separate and public school boards to arrange a mutual time, date and location for the establishment area meeting.
- Notified the separate and public school boards of the establishment area meeting's time, date and location.
- Completed Form 2 at the end of the establishment meeting and emailed or mailed it to BOSS.

Census

- Obtained a county map from the municipality to assist with determining which residences are inside the proposed establishment area.
- Conducted a census of all residences in the proposed establishment area.
- Left a letter and Form C-2 at those residences where nobody was home or nobody answered.
- Returned to the residences where a letter and Form C-2 were left and where a census taker did not hear back.

- Left another letter and another copy of Form C-2 at those residences where nobody was home or nobody answered.
- Ensured Form C-1 is complete for all residences in the proposed establishment area.
- Submitted Form C-1 to BOSS.
- Completed and submitted Form 3 to BOSS.

Community Information Meeting

- Completed Form 5 and used it to post 5 physical advertisements throughout the proposed establishment area.
- Worked with the separate and public school boards to post advertisements on their respective websites.
- Took a screenshot or picture of the advertisements on the separate and public school board websites.
- Completed and submitted Form 4 to BOSS.

Establishment Vote

- Served the public school board notice of the vote date.
- Completed Form 7 and used it to post 5 physical advertisements throughout the proposed establishment area.
- Worked with the separate and public school boards to post advertisements on their respective websites.
- Took a screenshot or picture of the advertisements on the separate and public school board websites.
- Completed and submitted Form 6 to BOSS.