



# **BILL NO. 215**

*Government Bill*

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*2nd Session, 60th General Assembly  
Nova Scotia  
57 Elizabeth II, 2008*

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**An Act to Amend Chapter 1  
of the Acts of 1995-96,  
the Education Act,  
Respecting the Governance of School Boards**

CHAPTER 54  
ACTS OF 2008

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
NOVEMBER 25, 2008**

The Honourable Karen Casey  
*Minister of Education*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 1  
of the Acts of 1995-96,  
the Education Act,  
Respecting the Governance of School Boards**

Be it enacted by the Governor and Assembly as follows:

**1 Subsection 46(1) of Chapter 1 of the Acts of 1995-96, the *Education Act*, as amended by Chapter 15 of the Acts of 1998, is further amended by**

- (a) adding “or appointed” immediately after “elected” in the second line;**
- (b) adding “or appointment” immediately after “nomination” in the last line of clause (a); and**
- (c) adding “or the day of appointment” immediately after “day” in the fourth line of clause (b).**

**2 Subsection 50(1) of Chapter 1, as amended by Chapter 18 of the Acts of 1998, is further amended by striking out “pursuant to the *Municipal Elections Act*” in the second and third lines and substituting “prescribed pursuant to the regulations”.**

**3 Subsection 51(4) of Chapter 1 is repealed.**

**4 Chapter 1 is further amended by adding immediately after Section 51 the following Section:**

51A (1) A vacancy in the seat of a member of a school board occurring within six months of the next regularly scheduled election for school board members shall not be filled.

(2) A vacancy in the seat of a member of a school board occurring within two years but not within six months of the next regularly scheduled election for school board members shall, following such consultation as the Minister considers appropriate, be filled by the Minister with a person qualified to be elected to that position.

(3) A vacancy in the seat of a member of a school board occurring more than two years before the next regularly scheduled election for school board members shall be filled by special election pursuant to the *Municipal Elections Act*.

**5 Section 52 of Chapter 1 is amended by adding “(1)” immediately after the Section number and by adding the following subsection:**

(2) For greater certainty, subsection (1) does not apply for non-attendance because of an inability to attend a meeting of the school board because of censure pursuant to clause 52A(1)(b) or (c).

**6 Chapter 1 is further amended by adding immediately after Section 52 the following Sections:**

52A (1) Where a school board determines that a member has not complied with the school board's code of ethics, the school board may censure a member of the school board by

(a) issuing a public reprimand by motion at an open meeting of the school board;

(b) revoking the member's right to sit as a member for one to three months;

(c) suspending the member from the school board, including the suspension of all the member's rights, duties and privileges as a member of the school board, for from one to three months; or

(d) recommending to the Minister that the member's seat be vacated.

(2) Where a member of a school board is censured pursuant to this Section, the member may appeal to a single adjudicator appointed by the Minister and the adjudicator may set aside or vary the censure as the adjudicator considers appropriate.

52B (1) Where pursuant to Section 52A the school board recommends to the Minister that the seat of a member of the school board be vacated, the Minister may, subject to subsection (2), vacate the member's seat.

(2) Where an appeal pursuant to subsection 52A(2) is in respect of censure pursuant to clause 52A(1)(d), no action to fill the vacancy may be taken before the adjudicator has rendered a decision and notified the Minister, the school board and the member of the decision.

(3) Where the Minister considers it necessary for a member of a school board to be censured and the school board fails to censure the member or to censure the member appropriately, the Minister may

(a) direct the school board to censure the member pursuant to clause 52A(1)(a), (b) or (c) as the Minister considers appropriate; or

(b) vacate the member's seat.

(4) Where the Minister directs a school board to censure a member pursuant to clause (3)(a), the school board shall comply with the Minister's direction.

**7 Subsection 55(1) of Chapter 1 is amended by striking out "annually" in the third line and substituting "every two years".**

**8 (1) Subsection 56(1) of Chapter 1 is amended by striking out "one year" in the second line and substituting "two years".**

(2) Subsection (1) applies with respect to chairs and vice-chairs of school boards elected following the 2008 and subsequent elections, whether elected before or after the coming into force of that subsection.

**9 (1) Clause 58(1)(b) of Chapter 1 is repealed.**

**(2) Section 58 of Chapter 1 is further amended by adding immediately after subsection (1) the following subsection:**

(1A) A school board shall, by by-law and in accordance with the regulations, regulate its proceedings and provide for preserving order at its meetings.

**10 Subsection 64(2) of Chapter 1, as amended by Chapter 5 of the Acts of 2002 and Chapter 16 of the Acts of 2005, is further amended by adding immediately after clause (ala) the following clause:**

(alb) adopt a code of ethics in accordance with the regulations;

**11 Subsection 68(2) of Chapter 1, as amended by Chapter 5 of the Acts of 2002 and Chapter 3 of the Acts of 2004, is further amended by**

**(a) relettering clause (aa) as clause (ab);**

**(b) adding immediately after clause (a) the following clause:**

(aa) a school board has failed to censure a member of a school board as directed by the Minister;

**and**

**(c) striking out “a person” in the sixth last line and substituting “one or more persons”.**

**12 Subsection 145(1) of Chapter 1, as amended by Chapter 5 of the Acts of 2002 and Chapter 15 of the Acts of 2007, is further amended by adding immediately after clause (sa) the following clauses:**

(sb) prescribing the oath of office to be taken by the members of a school board;

(sc) prescribing the mandatory content of a code of ethics adopted by a school board;

(sd) respecting the appointment of adjudicators to hear appeals from a decision of a school board to censure a member of the school board;

(se) prescribing the mandatory content of a procedural by-law respecting the conduct of meetings of a school board;

**13 Subsection 13(9) of Chapter 300 of the Revised Statutes, 1989, the *Municipal Elections Act*, is repealed.**

**14 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.**