

# PEACE WAPITI PUBLIC SCHOOL DIVISION NO. 76

POLICY FL – Closure of School or Division within a school  
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(Consolidated up to 85/2010)

## ALBERTA REGULATION 238/97

### School Act

## CLOSURE OF SCHOOLS REGULATION

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### **Definitions**

**1** In this Regulation,

- (a) “closure” means any action referred to in section 2;
- (a.1) “Ministers” means, for the purposes of sections 6 and 7, the Ministers determined under section 16 of the *Government Organization Act* as the Ministers responsible for Part 7 of the *School Act*;
- (b) “school year” means the 12-month period beginning on September 1 and ending on the following August 31.

AR 238/97 s1;223/2002;257/2003

### **Non-application of sections**

**1.1(1)** Sections 4 to 7 do not apply to a closure that occurs

- (a) in connection with the transfer by one board to another board or to the operator of a charter school of the ownership of real property on which a school building is located and the school building will continue to be used for the instruction or accommodation of students,
- (b) as a result of the Minister’s having directed the board to dispose of the school building pursuant to section 200(3) of the Act, or
- (c) pursuant to section 2(b) if
  - (i) the school has more than one education program,

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- (ii) the students in the grades being closed are all in the same education program, and
- (iii) the education program referred to in subclause (ii) is to be transferred to another school.

(2) Where a board plans to transfer an education program pursuant to subsection (1)(c)(iii), the board shall organize and convene an information meeting for the purpose of informing the parents of the students affected by the transfer of the transfer and the alternative arrangements for continuing the education program at another school.

AR 135/2003 s2;257/2003;170/2004

## Exemption from requirements

**1.2(1)** The Minister may, on the written request of a board or on the Minister's initiative, exempt a board from the requirements of sections 4 to 7 in respect of a closure that occurs

- (a) as a result of the board's inability to comply with section 57(2) of the Act, or
- (b) for health or safety reasons.

(2) The Minister may, on the written request of a board, exempt the board from the requirements of sections 4 to 7 in respect of a closure if the Minister is satisfied that the board has consulted with the community regarding any change in grades and programs in one or more of the schools operated by the board.

AR 257/2003 s4;170/2004

## Closure of schools, etc.

**2** A board may

- (a) close a school permanently or for a specified period of time,
- (b) close entirely 3 or more consecutive grades in a school, or
- (c) repealed AR 257/2003 s5,
- (d) transfer all students from one school building to one or more other school buildings on a permanent basis.

AR 238/97 s2;257/2003

## Policies and procedures for closure of schools

**3** A board may develop and implement policies and procedures with respect to closure of schools that are not inconsistent with this Regulation.

AR 238/97 s3;257/2003

## Notification of proposed closure

**4(1)** Where a board is considering the closure of a school, the board shall

- (a) raise the matter by way of a motion at a regular meeting of the board, and

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- (b) in writing notify the parents of every child and student enrolled in the school who, in the opinion of the board, will be significantly affected by the closure of the school.
- (2) A notice referred to in subsection (1)(b) shall set out the following:
- (a) how the closure would affect the attendance area defined for that school;
  - (b) how the closure would affect the attendance at other schools;
  - (b.1) information on the board's long-range capital plan;
  - (c) the number of students who would need to be relocated as a result of the closure;
  - (d) the need for, and extent of, busing;
  - (e) program implications for other schools and for the students when they are attending other schools;
  - (f) the educational and financial impact of closing the school, including the effect on operational costs and capital implications;
  - (g) the educational and financial impact if the school were to remain open;
  - (h) and (i) repealed AR 257/2003 s7;
  - (j) the time and location of the public meeting referred to in section 5(1)(a).
- (3) A notice referred to in subsection (1)(b) may set out the following:
- (a) the capital needs of the schools that may have increased enrolment as a result of the closure, and
  - (b) the possible uses of the school building or space in the school building if
    - (i) the entire school is being closed, or
    - (ii) 3 or more consecutive grades in the school are being closed entirely.

AR 238/97 s4;257/2003;170/2004

## Public meetings

- 5(1)** Where a board has given notice of motion at a regular meeting of the board that it is considering the closure of a school, the board
- (a) shall organize and convene a public meeting for the purpose of discussing the information provided to the parents under section 4,
  - (b) shall provide an opportunity for the council of the municipality in which the school is located to provide a statement to the board of the impact the closure may have on the community, and
  - (c) may hold other meetings with respect to the closure at times and places as the board may determine.

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- (2) The date and place of the public meeting referred to in subsection (1)(a) shall be
- (a) posted in 5 or more conspicuous places in the area or areas of the school or schools affected by the closure, for a period of at least 14 days before the date of the public meeting, and
  - (b) advertised in a newspaper circulating within the area or areas of the school or schools affected by the proposed closure, on at least 2 occasions as close as is practicable to the date of the meeting.
- (3) At least 2 trustees of the board shall attend the public meeting referred to in subsection (1)(a).
- (4) A board shall ensure that minutes of all public meetings held under this section are prepared.

AR 238/97 s5;257/2003

## **Decision on closure**

- 6(1)** A board shall not make a final decision on the proposed closure until at least 3 weeks have passed since the date of the public meeting referred to in section 5(1)(a).
- (2) A board shall give due consideration to any written submissions on the proposed closure that it receives after the public meeting referred to in section 5(1)(a).
- (3) A board
- (a) shall by resolution decide whether to close the school, and
  - (b) if the decision is to close the school, shall forthwith notify the Ministers in writing of the decision.

AR 238/97 s6;223/2002;257/2003

## **Closure within school year**

- 7(1)** All school closure procedures shall be initiated and completed within the school year in which the decision to close the school is made.
- (2) Notwithstanding subsection (1), on the written request of the board, the Ministers may extend the school closure procedures beyond one school year.

AR 238/97 s7;257/2003

## **Expiry**

- 8** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on August 31, 2012.

AR 238/97 s8;223/2002;257/2003;163/2008;85/2010

- 9** Repealed AR 223/2002 s5.