EDUCATION ACT

RSY 2002, c. 61; amended by SY 2004, c.9; SY 2008, c.1; SY 2009, c.3; SY 2013, c.2; SY 2014, c.16; SY 2015, c.9; SY 2016, c.1; SY 2016, c.5; SY 2019, c.15; SY 2022, c.5, SY 2022, c.10

Please Note: This document, prepared by the Yukon Legislative Counsel Office, is an unofficial consolidation of this Act and includes any amendments to the Act that are in force and is current to: currency date.

For information concerning the date of assent or coming into force of the Act or any amendments, please see the Table of Public Statutes and the Annual Acts on the laws.yukon.ca web site. Links to amending legislation, where appropriate, are provided at the end of each section in this document.

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (867) 667-8405
Email: lco@gov.yk.ca

LOI SUR L’ÉDUCATION

LRY 2002, ch. 61; modifiée par LY 2004, ch. 9; LY 2008, ch. 1; LY 2009, ch. 3; LY 2013, ch. 2; LY 2014, ch. 16; LY 2015, ch. 9; LY 2016, ch. 1; LY 2016, ch. 5; LY 2019, ch. 15; LY 2022, ch.5, LY 2022, ch.10

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Preamble

Recognizing that Yukon people agree that the goal of the Yukon education system is to work in co-operation with parents to develop the whole child including the intellectual, physical, social, emotional, cultural, and aesthetic potential of all students to the extent of their abilities so that they may become productive, responsible, and self-reliant members of society while leading personally rewarding lives in a changing world; and

Recognizing that the Yukon education system will provide a right to an education appropriate to the individual learner based on equality of educational opportunity; prepare students for life and work in the Yukon, Canada, and the world; instill respect for family and community; and promote a love of learning; and

Recognizing that meaningful partnerships with greater parental and public participation are encouraged for a high quality Yukon education system; and

Recognizing that the Yukon curriculum must include the cultural and linguistic heritage of Yukon aboriginal people and the multicultural heritage of Canada; and

Recognizing that rights and privileges enjoyed by minorities as enshrined in the law shall be respected.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows:
PART 1
INTERPRETATION

1 Definitions

In this Act,

“aboriginal people” means those persons who are members or entitled to be members of a Yukon First Nation; « peuple autochtone »

“attendance area” means the area designated by the Minister for each school committee and Council pursuant to section 58; « zone de fréquentation »

“Central Indian Education Authority” means a body established by the Council for Yukon First Nations to act for it on educational matters; « Bureau central indien de l'éducation »

“community” means any municipality established under the Municipal Act or any residential area designated by the Minister and may include a Yukon First Nations community; « collectivité »

“Council” means a school council established under this Act; « conseil »

“Council for Yukon First Nations” includes any successor organization; « Conseil des premières nations du Yukon »

“department” means the department of education; « ministère »

“deputy minister” means a member of the public service responsible for the administration of the department of education; « sous-ministre »

“director” means a director of education appointed by a School Board under this Act; « directeur »

“Education Appeal Tribunal” means the Education Appeal Tribunal established pursuant to section 157; « Tribunal d'appel de l'éducation »

“education area” means the area designated by the Minister for each School Board pursuant to section 59; « district scolaire »

“educational program” means a set of learning activities for schools and does not include any post-secondary, college, or adult training programs; « programme d'études »

PART 1
DÉFINITIONS

1 Définitions

Les définitions qui suivent s'appliquent à la présente loi.

« accord sur les revendications territoriales au Yukon » S'entend notamment de l'Accord-cadre définitif, des ententes sur l'autonomie gouvernementale conclues avec les premières nations du Yukon, de l'entente définitive avec les premières nations du Yukon et de l'accord transfrontalier, ratifiés en conformité avec leurs dispositions; “Yukon Land Claim Agreement”

« âge scolaire » S'entend de l'âge d'une personne qui le 1er septembre est âgée d'au moins 5 ans et 8 mois, mais n'a pas atteint l'âge de 21 ans; “school-age”

« association des enseignants et des enseignantes » L'Association des professionnels de l'éducation du Yukon; “teachers association”

« Bureau central indien de l'éducation » Organisme constitué par le Conseil des premières nations du Yukon et chargé de le représenter en matière d'éducation; “Central Indian Education Authority”

« bureau local indien de l'éducation » Organisme constitué par une première nation du Yukon et chargé de la représenter en matière d'éducation; “Local Indian Education Authority”

« collectivité » Municipalité constituée sous le régime de la Loi sur les municipalités ou zone résidentielle désignée par le ministre; la présente définition peut aussi viser la collectivité que représente une première nation du Yukon; “community”

« commissaire » Personne élue ou nommée à une commission scolaire; “trustee”

« commission scolaire » Commission scolaire constituée sous le régime de la présente loi à l'égard d'un district scolaire; “School Board”

« conseil » Conseil scolaire constitué sous le régime de la présente loi; “Council”

« Conseil des premières nations du Yukon » S'entend notamment de tout organisme qui lui succède; “Council for Yukon First Nations”
"home education program" means an educational program under section 31; « programme d’études à domicile »

"Individualized Education Plan” (IEP) is a document which outlines the educational program for a student as determined by a school based team, containing a description of the student’s present level of functioning; long term or annual goals; short term goals or specific behavioural objectives; special resources required; suggested instructional materials, methods and strategies; IEP review dates; persons responsible for the implementation of the IEP, including parents; and parents’ written, informed consent for implementation; « plan d'études individualisé »

"Local Indian Education Authority” means a body established by a Yukon First Nation to act for it on educational matters; « bureau local indien de l'éducation »

“member” means a person who is elected or appointed to a school committee or to a Council; « membre »

"parent" means the biological parents, the adoptive parents by custom or otherwise, the persons legally entitled to custody, or the persons who usually have the care and control of the child; « père et mère » or « père ou mère »

"principal” means a teacher who is appointed or designated to be a principal pursuant to this Act; « directeur d'école »

“private school” means a private school registered or accredited under section 29 of this Act; « école privée »

“school” means a body of students organized as a unit for educational purposes under the jurisdiction of the Minister or a School Board; « école »

“school-age” means the age of 5 years and 8 months or older and younger than 21 years of age as at September 1; « âge scolaire »

“School Board”, means a board of trustees of an education area established under this Act; « commission scolaire »

“school plan” means a plan prepared for each school by the school administration containing school objectives, educational priorities, courses of study by grade, evaluation procedures, recommended budget and staffing requirements, and other information required

“directeur » Directeur de l’éducation nommé par une commission scolaire sous le régime de la présente loi; “director”

« directeur d’école » Enseignant nommé ou désigné à ce titre conformément à la présente loi; “principal”

« district scolaire » La zone rattachée par le ministre à chaque commission scolaire en conformité avec l’article 59; “education area”

« dossier scolaire » Renseignements sur support écrit ou informatique concernant un élève; la présente définition ne vise toutefois pas les dossiers qu’une personne peut tenir dans la mesure où elle seule y a accès; “student record”

« école » Ensemble d’élèves constituant une unité à des fins d’éducation et relevant du ministre ou d’une commission scolaire; “school”

« école privée » École privée inscrite ou agréée sous le régime de l’article 29 de la présente loi; “private school”

« élève » Personne inscrite à un programme d’études offert par le ministre ou une commission scolaire; “student”

« enseignant » ou « enseignante » Titulaire d’un certificat d’enseignement en cours de validité ou d’une permission délivrées en conformité avec les règlements, qui est nommé ou employé conformément à la présente loi pour enseigner ou pour gérer ou surveiller les services d’enseignement dans une école; la présente définition ne vise toutefois pas les enseignants des langues autochtones; “teacher”

« enseignant suppléant » Enseignant qui est engagé pour remplacer un enseignant temporairement absent; “substitute teacher”

« membre » Personne élue ou nommée à un comité d’école ou à un conseil; “member”

« ministère » Le ministère de l’Éducation; “department”

« père et mère » ou « père ou mère » Les parents biologiques, les parents adoptifs — notamment en application d’une règle coutumière —, les personnes qui ont légalement droit à la garde de l’enfant ou celles qui sont habituellement chargées du soin et de la surveillance de l’enfant; “parent”
for the effective functioning of the school; « plan d’école »

“student” means a person enrolled in an educational program provided by the Minister or by a School Board; « élève »

“student record” means a record of information in written or electronic form pertaining to a student but does not include a record prepared by a person if that person is the only person who will have access to the record; « dossier scolaire »

“substitute teacher” means a teacher employed to replace a teacher who is temporarily absent from regular duties; « enseignant suppléant »

“superintendent” means a superintendent of schools appointed by the Minister and assigned duties pursuant to this Act; « surintendant »

“teacher” means a person holding a valid and subsisting teaching certificate, or a letter of permission, issued pursuant to the regulations who is appointed or employed pursuant to this Act to give instruction or to administer or supervise instructional service in a school but does not include an aboriginal language teacher; « enseignant » or « enseignante »

“teachers association” means the Yukon Association of Education Professionals; « association des enseignants et des enseignantes »

“trustee” means a person who is elected or appointed to a School Board; « commissaire »

“Yukon First Nations” means the Yukon bands recognized from time to time by the Council for Yukon First Nations; « premières nations du Yukon »

“Yukon Land Claim Agreement” includes the Umbrella Final Agreement, Yukon First Nation Self-Government Agreements, and the Yukon First Nation Final Agreement and Transboundary Agreement, as ratified in the manner provided in those agreements. « accord sur les revendications territoriales au Yukon »

[S.Y. 2022, c.5, s.8][S.Y. 2015, c. 9, s. 2] [S.Y. 2002, c. 61, s. 1]

« peuple autochtone » Les personnes qui sont membres des premières nations du Yukon ou ont le droit d’en faire partie; “aboriginal people”

« plan d’école » Plan que l’administration de l’école prépare pour chaque école et qui comporte les objectifs scolaires, les priorités d’enseignement, la liste des cours par année d’enseignement, la procédure d’évaluation, le budget recommandé, les besoins en dotation du personnel et tout autre renseignement nécessaire au fonctionnement efficace de l’école; “school plan”

« plan d’études individualisé » Résumé du programme d’études conçu pour un élève et déterminé par une équipe pédagogique; le plan fait état du niveau scolaire de l’élève, de ses buts annuels ou à long terme, de ses buts à court terme et de ses objectifs comportementaux précis, des ressources spéciales nécessaires, du matériel, des méthodes et des stratégies d’enseignement proposés, des dates prévues de réexamen du plan, des personnes responsables de sa mise en œuvre, notamment ses père et mère; il porte aussi le consentement écrit et éclairé des père et mère à sa mise en œuvre; “Individualized Education Plan”

« premières nations du Yukon » Les bandes du Yukon qui sont reconnues par le Conseil des premières nations du Yukon; “Yukon First Nations”

« programme d’études » Ensemble d’activités d’apprentissage prévu pour les écoles; la présente définition ne vise pas les programmes d’études postsecondaires, collégiales ou d’éducation des adultes; “educational program”

« programme d’études à domicile » Programme d’études visé à l’article 31; “home education program”

« sous-ministre » Fonctionnaire chargé de la gestion du ministère; “deputy minister”

« surintendant » Surintendant des écoles nommé par le ministre et chargé des fonctions que prévoit la présente loi; “superintendent”

« Tribunal d’appel de l’éducation » S’entend du Tribunal d’appel de l’éducation constitué en conformité avec l’article 157, “Education Appeal Tribunal”

« zone de fréquentation » La zone que rattache le ministre en application de l’article 58 à chaque comité d’école et à chaque conseil. “attendance area”

[L.Y. 2022, ch.5, art.8] [L.Y 2015, ch. 9, art. 2; ] [L.Y. 2002, ch. 61, art. 1]
2 Limitations
(1) The exercise of any right or the receipt of any benefit under this Act is subject to those limitations that are reasonable in each circumstance under which the right is being exercised or the benefit is being received.

(2) Unless otherwise authorized by a public officer in accordance with the Financial Administration Act, the resources spent on or ordered to be spent on any educational program or service must not exceed what can be paid for from the amount allocated for that program or service in the estimates tabled in and approved by the Legislative Assembly.

[S.Y. 2002, c. 61, s. 2]

PART 2
TERRITORIAL ADMINISTRATION
3 Department of Education
There shall be a department of the Government of the Yukon called the Department of Education presided over by the Minister.

[S.Y. 2002, c. 61, s. 3]

4 Goals and objectives
The Minister shall establish and communicate for the Yukon education system goals and objectives, which are

(a) to encourage the development of students’ basic skills, including

(i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving, information processing, computing,

(ii) critical and creative thinking skills for today’s world,

(iii) an understanding of the role of science and technology in society, together with scientific and technological skills,

(iv) knowledge of at least one language other than English,

(v) appreciation and understanding of creative arts,

[LY. 2002, ch. 61, art. 3]
5 Duties of the Minister

The Minister shall

(a) establish courses of study for the implementation of the goals and objectives for the Yukon education system;

(b) provide lists of textbooks, apparatus, equipment and other materials that are prescribed, approved or recommended for use in any school;

(c) contribute to the professional development of teachers;

(d) to provide opportunities to reach maximum potential;

(e) to promote the recognition of equality among Yukon peoples consistent with the Canadian Charter of Rights and Freedoms and the Human Rights Act;

(f) to develop an understanding of the historical and contemporary role of women and the reinforcement of the principle of gender equality and the contribution of women to society;

(g) to promote understanding of the history, language, culture, rights and values of Yukon First Nations and their changing role in contemporary society;

(h) to increase awareness and appreciation of the Yukon’s natural environment;

(i) to develop an understanding of the historical and contemporary role of labour and business in society; and

(j) to prepare for participation in a Yukon, Canadian and global society.

[S.Y. 2002, c. 61, s. 4]

5 Fonctions du ministre

Le ministre : 

a) mettre sur pied des cours en vue de la mise en œuvre des buts et objectifs du système d'éducation du Yukon;

b) fournir les listes des manuels, des appareils, de l'équipement et du matériel déterminés par règlement, approuvés ou dont l'usage est recommandé dans une école;

c) participer au perfectionnement professionnel des enseignants;
(d) issue, suspend and cancel teaching certificates in accordance with the requirements of the regulations;  

d) délivre, suspend et annule les certificats d'enseignement en conformité avec les règlements;  

(e) establish adult training and continuing education programs;  

e) crée des programmes de formation des adultes et d'éducation permanente;  

(f) provide for human resource development, planning services and employment development job retention programs;  

f) prévoit le perfectionnement des ressources humaines, des services de planification et des programmes de stimulation de l'emploi en vue de la conservation des emplois;  

(g) provide for the financing of the Yukon education system out of funds appropriated by the Legislative Assembly; and  

g) s'occupe du financement du système d'éducation du Yukon sur les crédits qui sont affectés par l'Assemblée législative;  

(h) table an annual report on the state of education in the Yukon, including reports from each School Board, in the Legislative Assembly during the session next following the end of the year for which the report is made.  

h) dépose son rapport annuel sur l'état de l'éducation au Yukon, accompagné du rapport de chaque commission scolaire, à l'Assemblée législative au cours de la session qui suit la fin de l'année visée par le rapport.

[S.Y. 2002, c. 61, s. 5]  

[L.Y. 2002, ch. 61, art. 5]

6 Powers of the Minister

(1) The Minister may  

(a) establish schools and provide for the closure of schools subject to the guidelines;  

a) créer et fermer des écoles, sous réserve des lignes directrices;  

(b) designate the grades and special programs to be offered in each school operated by the Minister;  

b) décider quels seront les classes et les programmes spéciaux qui seront offerts dans chacune des écoles placées sous son autorité;  

(c) approve a locally developed course or courses of study for use in a school;  

c) approuver, pour utilisation dans une école, un ou des cours mis sur pied localement;  

(d) supply textbooks and other instructional materials, apparatus or equipment to students, teachers, School Boards or Councils;  

d) fournir les manuels et les autres matériels, appareils ou équipements pédagogiques aux élèves, aux enseignants, aux commissions scolaires ou aux conseils;  

(e) appoint those advisory, administrative or consultative bodies that may be considered necessary subject to the regulations;  

e) nommer les organismes consultatifs ou administratifs qu’il estime nécessaires, sous réserve des règlements;  

(f) prescribe forms and notices as required for the administration of this Act;  

f) déterminer les formulaires et les avis qui sont nécessaires à l’application de la présente loi;  

(g) establish and provide for the operation of student residences and boarding programs for students who reside in the Yukon and leave home in order to receive an educational program and the prescribing of fees, if any, to be charged for the accommodation; and  

(g) constituer des résidences pour les élèves et des programmes d'internat destinés aux élèves qui, demeurant au Yukon, doivent quitter leur domicile pour suivre un programme d'études, en régir le fonctionnement et déterminer les droits, s’il y a lieu, payables pour le logement;
(h) provide for any other matter that the Minister considers advisable to effectively administer the Act and the Yukon education system.

(2) The Minister shall seek advice from a School Board before exercising any power pursuant to paragraph 1(a) that may affect a school operated by that School Board.

[Sm. 2002, c. 61, s. 6]

7 Agreements

The Minister may make agreements on any matter respecting education or the operation of schools in the Yukon Territory with the Government of Canada, a Yukon First Nation, the Central Indian Education Authority, or if the Central Indian Education Authority has not been established, the Council for Yukon First Nations, the government or agent of any other jurisdiction, a School Board or Council in accordance with terms and conditions approved by the Commissioner in Executive Council.

[Sm. 2002, c. 61, s. 7]

8 Appointments

(1) In accordance with the Public Service Act there shall be appointed a deputy minister of education and any other employees required for the conduct of business of the Minister, School Boards and the department.

(2) In the exercise of a power conferred by this Act on the deputy minister, the deputy minister shall act under the direction of the Minister.

[Sm. 2002, c. 61, s. 8]

9 Delegation

The Minister may in writing delegate any power, duty or function conferred on the Minister by this Act to a School Board, a Council or to any employee of the department.

[Sm. 2002, c. 61, s. 9]
PART 3
STUDENTS AND PARENTS

DIVISION 1
ACCESS TO EDUCATION

10 Right to education

Persons are entitled to receive an educational program appropriate to their needs in accordance with the provisions of this Act

(a) who at September 1 in a year are 5 years and 8 months of age or older and younger than 21 years of age; and

(b) who are Canadian citizens, lawfully admitted to Canada for temporary or permanent residence, a child of a Canadian citizen, or a child of an individual who is lawfully admitted to Canada for permanent or temporary residence.

[S.Y. 2002, c. 61, s. 10]

11 Responsibility to resident students

(1) A School Board shall provide to every school-age person who resides in its education area and the deputy minister shall provide to every other school-age person resident in the Yukon, an educational program consistent with the requirements of this Act and regulations and, for the purposes of providing the educational program to the student, the deputy minister or School Board shall

(a) enroll the student in an educational program operated by it; or

(b) direct the student to attend an educational program operated by another School Board or by the Minister if it is reasonable to do so.

(2) If a student is directed to attend an educational program pursuant to paragraph (1)(b), the School Board or deputy minister shall enter into a tuition agreement with the receiving School Board or the government and shall be responsible for the fees and costs consequent to the student’s attendance at the educational program.

PARTIE 3
ÉLÈVES ET PARENTS

SECTION 1
ACCÈS À L’ÉDUCATION

10 Droit à l’éducation

Toute personne a le droit d’avoir accès, en conformité avec la présente loi, au programme d’études qui correspond à ses besoins, à la condition d’être d’âge scolaire et d’être citoyen canadien, d’être admise légalement au Canada en vue d’une résidence permanente ou temporaire ou d’être l’enfant d’un citoyen canadien ou d’une personne admise légalement au Canada en vue d’une résidence permanente ou temporaire.

[L.Y. 2002, ch. 61, art. 10]
12 Free education

No tuition fees consequent to the student’s attendance for an educational program as determined under section 11 shall be charged to the student or the parents of the student.

[S.Y. 2002, c. 61, s. 12]

13 Access

The deputy minister or if there is a School Board, the School Board may permit a person who is 21 years of age or older to enroll in an educational program on those terms prescribed by the deputy minister or School Board.

[S.Y. 2002, c. 61, s. 13]

14 Choice of other educational program

(1) On the request of a student or a parent of a student, the deputy minister may authorize the student to attend an educational program at a school in the Yukon other than the educational program determined in accordance with section 11.

(2) Tuition fees and other costs may be levied for the attendance by a student at an educational program authorized under subsection (1).

(3) The department shall inform the School Board, Council or school committee that is established in the student’s resident education area or attendance area of the student’s attendance in the educational program referred to in subsection (1) and may direct that a tuition agreement be entered into pursuant to subsection 11(2).

[S.Y. 2002, c. 61, s. 14]

DIVISION 2

SPECIAL EDUCATION

15 Special education

(1) Students who, because of intellectual, communicative, behavioural, physical, or multiple exceptionalities are in need of special education

...
programs, are entitled to receive a program outlined in an Individualized Education Plan.

(2) A student who is entitled to an Individualized Education Plan shall have the program delivered in the least restrictive and most enabling environment to the extent that is considered practicable by the deputy minister or by a School Board in consultation with professional staff and parents, having due regard for the educational needs and rights of all students.

(3) The Minister shall issue guidelines for the implementation of this Division.  

[S.Y. 2002, c. 61, s. 15]

16 Determination of special educational needs

(1) The school administration in consultation with professional staff and parents or, if a child is not in attendance at a school, the deputy minister, in consultation with professional staff and parents, shall determine

(a) whether a student is a student with special educational needs and; if so

(b) what Individualized Education Plan is appropriate to meet the needs of that student.

(2) Before a student is determined to be a student with special educational needs and, if so, what Individualized Education Plan is appropriate, the following procedures shall be followed

(a) the student shall be referred to the department for a determination of the assessments that may be required to be performed;

(b) the parent of the student shall receive written information concerning the procedures outlined in this section;

(c) prior written informed consent by a parent for the psychological and other specialized tests that are not routinely used by teachers shall be obtained;

(d) if appropriate, the assessment shall be multidisciplinary;

(e) the results of the assessment reports shall be provided and explained to the parent;

(a) l’élève doit être dirigé vers le ministère en vue de déterminer quelles sont les évaluations qui doivent être effectuées;

(b) les renseignements expliquant la procédure prévue au présent article doivent être remis par écrit au père ou à la mère de l’élève;

(c) le consentement préalable écrit et informé du père ou de la mère doit être obtenu avant de soumettre l’élève à des tests psychologiques ou d’autres tests spécialisés qui ne sont pas utilisés de façon habituelle par les enseignants;

(d) s’il y a lieu, l’évaluation est multidisciplinaire;

(e) les résultats des rapports d’évaluation doivent être fournis et expliqués au père ou à la mère;
(f) a parent and, if appropriate, the student, shall be consulted before the determination of and during the implementation of an Individualized Education Plan; and

(g) the parents shall be provided with information concerning the right of appeal to the Education Appeal Tribunal.

(3) Parents shall have the right to request for their children a determination in accordance with this section.

(4) Parents shall be invited to be members of a school based team that is established for their child.

(5) If there is more than one parent for a child, consultation with one parent shall be deemed to be compliance with any consultation requirements of this section.

[S.Y. 2002, c. 61, s. 16]

17 Special needs appeals

(1) If a disagreement arises respecting

(a) the identification of a student as a student with special educational needs;

(b) the Individualized Education Plan established for a student;

(c) a request by a parent for a determination pursuant to subsection 16(3);

(d) a decision regarding the implementation of the Individualized Education Plan in an environment other than the regular class;

(e) a decision not to implement an Individualized Education Plan in a school where the student would normally attend; or

(f) the apportionment of costs, including non-educational costs, for the provision of an Individualized Education Plan,

the parent, student, School Board, Council, or deputy minister may, within 14 days of the decision, appeal the matter to the Education Appeal Tribunal.

[S.Y. 2015, c. 9, s. 3] [S.Y. 2002, c. 61, s. 17]

(2) When an appeal is made to the Education Appeal Tribunal, the student shall be enrolled in the program determined in accordance with section 16 until the Education Appeal Tribunal makes its decision.

[S.Y. 2002, c. 61, s. 17]

17 Appels

(1) Les père et mère, l’élève, la commission scolaire, le conseil ou le sous-ministre peuvent, dans les 14 jours de la décision, interjeter appel au Tribunal d’appel de l’éducation en cas de désaccord concernant l’une des questions suivantes :

a) la désignation d’un élève à titre d’élève en difficulté;

b) le plan d’études individualisé adopté à l’égard d’un élève;

c) une demande de détermination présentée par le père ou la mère conformément au paragraphe 16(3);

d) une décision concernant la mise en œuvre du plan d’études individualisé dans un milieu autre qu’une classe ordinaire;

e) la décision de ne pas mettre en œuvre un plan d’études individualisé dans une école où l’élève serait normalement inscrit;

f) la répartition des frais, notamment les frais autres que les frais d’éducation, liés à un plan d’études individualisé.

[S.Y. 2002, c. 61, s. 17] [L.Y. 2002, ch. 61, art. 16]
DIVISION 3
PARENT RIGHTS AND RESPONSIBILITIES

18 Rights and responsibilities of parents

(1) Parents of students attending school are entitled

(a) to be informed of the progress, behaviour and attendance of their children;

(b) on reasonable notice to the principal and teacher, to observe the instruction of their children if the parental visitation does not impede the instruction of other children;

(c) to appeal decisions that significantly affect the education, health or safety of their children; and

(d) to be consulted in the development of any specialized educational programs prepared for their children.

(2) A parent of a student attending a school may and at the request of a teacher or principal shall consult with the teacher or principal with respect to the student’s educational program.

[S.Y. 2002, c. 61, s. 18]

19 Choice of education

Subject to the provisions of this Act, parents may choose home schooling, private schooling or public schooling for their children.

[S.Y. 2002, c. 61, s. 19]

20 Student records

(1) Every school administration shall establish and maintain a student record for each student enrolled in its school in accordance with the guidelines established by the Minister.

(2) The parents of a student, a student who is 16 years of age or older, or both the parents and the student, may examine and copy the record of the student.

(3) Subject to subsection (2), a student’s record is privileged for the information and use of school and departmental officials as required for the improvement of education.

[S.Y. 2002, c. 61, s. 19]
of instruction of the student and is not available to any other person without the written permission of the parent or, if the student is 16 years of age or older, the student.

(4) Persons who contribute information to a student record are exempt from any liability with respect to the provision of that information if those persons, in providing the information, acted in good faith, acted within the scope of their duties and responsibilities, and did not act negligently.

(5) If, on examining a student record, a person is of the opinion that the student record contains inaccurate or incomplete information, that person may request the school administration to rectify the record.

(6) Any dispute arising under subsection (5) may be referred to the superintendent or director who shall review the request and provide direction to the school administration.

(7) Any dispute that is not resolved in accordance with subsection (6) may be appealed within 14 days of the direction of the superintendent or director to the Education Appeal Tribunal.

(8) Any person who discloses information from a student record in contravention of subsection (3) is guilty of an offence and liable to a fine of not more than $200.

[S.Y. 2015, c. 9, s. 3] [S.Y. 2002, c. 61, s. 20]

21 Damage to school property

If school property is destroyed, damaged, lost or converted by the intentional or negligent act

(a) of one student, the student and the student’s parents are jointly and severally liable in respect of the act of the student; or

(b) of two or more students acting together, the students and their parents are jointly and severally liable in respect of the act of the students.

[S.Y. 2002, c. 61, s. 21]

21 Vandalisme

Les élèves et leurs père et mère sont individuellement et conjointement responsables de la destruction, des dommages ou des pertes causés de façon intentionnelle ou négligente aux biens qui appartiennent à l’école, ou de leur conversion intentionnelle ou négligente.

[L.Y. 2002, ch. 61, art. 21]
DIVISION 4

COMPULSORY EDUCATION

22 Compulsory education

(1) Unless excused under subsection (2), every child who at September 1 in a year is 6 years and 8 months of age or older and is younger than 16 years of age shall attend a school operated by the Minister or a School Board.

(2) A student is excused from attendance at school if

(a) the student is unable to attend school because of sickness or other unavoidable cause;

(b) the student is a participant in religious observances, celebrations or activities recognized by a religious denomination;

(c) the student is a participant in Yukon aboriginal cultural activities or in aboriginal harvesting activities;

(d) the student has been suspended by a school and has not been given permission to enroll in another school;

(e) the student is enrolled and in regular attendance at a private school or a home education program in accordance with this Act; or

(f) the student is enrolled in distance education courses as approved by the deputy minister.

[S.Y. 2002, c. 61, s. 22]

SECT 23

Excusing from attendance

(1) The superintendent or director may, on application from a student or a parent of a student, excuse the student from attendance at school and may attach conditions to the permission to be excused.

(2) Before excusing a student from attendance at school, the superintendent or director shall consult with the student and the student’s parents.

(3) The superintendent or director may direct that a student who is excused from attendance at school receive optional education.

[S.Y. 2002, c. 61, s. 23]
24 Public Health and Safety Act
If a student is prohibited from being in a public place pursuant to the Public Health and Safety Act, that student
(a) is excused from attendance at school; and
(b) may be entitled to receive an optional education appropriate to the student’s needs.
[S.Y. 2002, c. 61, s. 24]

25 School attendance counsellors
The deputy minister or a School Board may designate school attendance counsellors to assist in the enforcement of the compulsory attendance provisions of this Act.
[S.Y. 2002, c. 61, s. 25]

26 Attendance policy
School Boards, Councils and, if no school committee exists, the superintendent, shall establish an attendance policy for their students.
[S.Y. 2002, c. 61, s. 26]

27 Legal proceedings
(1) If a child is required to attend school pursuant to this Act and the child’s parent neglects or refuses to take reasonable steps to cause the child to attend school, the parent is guilty of an offence and is liable to a fine of not more than $100 and each day’s continuance of the failure or neglect shall constitute a separate offence.

(2) A child who is
(a) 12 years of age or older;
(b) required to attend school pursuant to this Act; and
(c) absent from school without lawful excuse is guilty of an offence.

(3) In prosecutions under this section, a certificate as to the attendance or non-attendance at school of any child, signed or purportedly to be signed by the principal of the school, is prima facie evidence of the facts stated therein without any proof of the signature or appointment of the principal.

[S.Y. 2002, c. 61, s. 27]
(4) A judge may, instead of imposing a fine, require a parent convicted of an offence to give a bond or other security that the parent cause the child to attend school as required by this Act, and the judge may order that parent to cause the child to attend school as required by this Act.

(5) In any prosecution under this section, a birth or baptismal certificate or a copy thereof purporting to be certified under the hand of the person in whose custody the records are held is evidence of the age of the person named in the certificate or copy.

(6) In the absence of any certificate or copy mentioned in subsection (5), or in corroboration of any such certificate or copy, the court or the judge may receive and act on any other documents or information relating to age that it considers reliable.

(7) In any prosecution under this section, the court or the judge may draw inferences as to the age of a person from the person's demeanor or from statements made by the person in direct examination or cross-examination.

28 Human rights

The Canadian Charter of Rights and Freedoms and the Human Rights Act shall apply to the delivery of optional education provided for in this Division.

29 Private schools

(1) A private school is a school, including a school operated by a religious denomination, other than a school operated by the Minister or a School Board, that offers educational programs during school days to school-age children.

(2) A school is entitled to be registered or accredited as a private school if the operator of the school applies to the Minister and the Minister is satisfied that the private school

[SY. 2002, c. 61, s. 27]

DIVISION 5

OPTIONAL EDUCATION

SECTION 5

RÉGIME SCOLAIRE OPTIONNEL

28 Droits de la personne

La Charte canadienne des droits et libertés et la Loi sur les droits de la personne s'appliquent au régime scolaire optionnel visé par la présente section.

29 Écoles privées

(1) Une école privée est une école, notamment une école relevant d’une congrégation religieuse, qui ne relève pas du ministre ou d’une commission scolaire et qui offre des programmes d’études pendant les jours de classe aux enfants d’âge scolaire.

(2) Une école peut être inscrite ou agrémentée à titre d’école privée si la personne ou l’organisme qui la gère en fait la demande au ministre et si le ministre est convaincu que l’école privée :
(a) provides courses of study that meet the goals and objectives established by the guidelines for private schools;  
(b) in the case of an accredited private school, employs persons who meet the qualifications required by the regulations;  
(c) agrees to regular evaluation and monitoring as determined by the Minister;  
(d) meets all local and territorial health, safety and building standards; and  
(e) meets standards of student achievement, as measured by achievement testing, comparable to those of schools operated by the Minister or a School Board.

(3) Any guidelines, evaluation and monitoring of a private school by the Minister shall take into account the religious preferences of the private school.

(4) The Minister may cancel or suspend the registration or accreditation of a private school if any requirement of subsection (2) is not met.

(5) No person shall operate a private school unless it is registered or accredited under subsection (2).

(6) If a person operates a private school that is not registered or accredited, the Minister may apply to a judge for an order restraining the person from operating the private school.

(7) No grants or contributions shall be made to a private school by the Minister, the Commissioner in Executive Council, a School Board or a Council.

(8) A person who operates a private school that is not registered or accredited in accordance with this section is guilty of an offence and is liable to a fine of not less than $500 for each day that the person continues to operate the private school.

[S.Y. 2002, c. 61, s. 29]  
[L.Y. 2002, ch. 61, art. 29]
30 Distance education

(1) The deputy minister may provide for distance education courses of instruction on conditions prescribed by the guidelines established by the Minister.

(2) The Minister may charge fees for the provision of distance education courses as prescribed by the regulations.

[S.Y. 2002, c. 61, s. 30]

31 Home education

(1) A parent of a student may provide, at home, a home education program for the student if the parent complies with this section and if the program meets the goals and objectives outlined in subparagraph 4(a)(i) of this Act.

(2) The parent shall, before the start of a home education program for the student and on an annual basis thereafter for as long as the home education program is offered, register the student with the Minister.

(3) An educational plan for each student who is receiving home education shall be prepared and provided to the Minister subject to the following conditions:

(a) an initial educational plan shall be prepared and provided to the Minister before the start of the home education program;

(b) an educational plan shall be for a minimum period of three school years and shall cover every year of the home education program; and

(c) each educational plan shall include a description of the learning activities for the student that will comply with the goals and objectives set out in subparagraph 4(a)(i) of this Act.

(4) The parent of a home education student may request that tests be administered to the student subject to the requirements of the regulations and to payment of fees prescribed by the regulations for any tests that are administered.

(5) A student in a home education program may attend courses offered by the Minister or a School Board subject to the regulations.

31 Programme d’études à domicile

(1) Les père et mère d’un élève peuvent lui offrir à la maison un programme d’études à domicile dans la mesure où ils respectent les dispositions du présent article et si le programme est conforme aux buts et objectifs énumérés au sous-alinéa 4a)(i) de la présente loi.

(2) Avant le début de ce programme, les père et mère sont tenus d’inscrire l’élève auprès du ministre et de renouveler cette inscription par la suite chaque année pendant la durée du programme.

(3) Sous réserve des conditions qui suivent, est établi et remis au ministre un plan d’études pour chaque élève qui suit un programme d’études à domicile :

a) un plan initial est établi et remis au ministre avant le début du programme;

b) un plan d’études couvre une période minimale de trois années scolaires et porte sur chaque année du programme d’études à domicile;

c) le plan d’études comporte une description des activités d’apprentissage prévues pour l’élève qui seront conformes aux buts et aux objectifs énumérés au sous-alinéa 4a)(i) de la présente loi.

(4) Les père et mère d’un élève qui suit un programme d’études à domicile peuvent demander que l’élève subisse des examens, sous réserve des modalités réglementaires et du paiement des droits réglementaires applicables à chaque examen.

(5) L’élève qui suit un programme d’études à domicile peut s’inscrire à des cours offerts par le ministre ou par...
to any terms and conditions established by the regulations.

(6) The parent of a home education student may receive for the student educational resource materials and use of school facilities and equipment subject to the regulations.

(7) The Minister may

(a) provide for the assessment of the student’s achievement on a regular basis and communicate the results to the parent;

(b) advise the parent if, in the opinion of the Minister, the student is not making reasonable progress in the program; and

(c) provide the parent with recommendations which will assist the student in improving the level of achievement.

(8) Despite subsection (1), the Minister may, in writing, terminate the home education program if the Minister is of the opinion, after considering the abilities of the student, that

(a) the home education program no longer meets the requirements of subparagraph 4(a)(i); or

(b) the student has failed to meet standards of student achievement, as measured by achievement testing, comparable to those of schools operated by the Minister or a School Board.

(9) The Minister shall, in conjunction with the notice of termination, direct the student to attend a school operated by the Minister or a School Board effective on the date specified in the notice of termination.

32 Kindergarten

(1) The Minister shall establish a kindergarten program in accordance with the regulations.

(2) No child shall be compelled to attend a kindergarten program.

(3) Children are not eligible for a kindergarten program unless they have reached the age of 4 years and 8 months by September 1.

(4) A child may not attend more than one session of kindergarten per day as defined in the regulations.

32 Maternelles

(1) Le ministre met sur pied un programme de maternelle en conformité avec les règlements.

(2) Les enfants ne sont pas obligés de fréquenter la maternelle.

(3) Les enfants ne peuvent fréquenter la maternelle que s’ils sont âgés de 4 ans et 8 mois le 1er septembre.

(4) Un enfant ne peut fréquenter qu’une seule séance de maternelle par jour, selon la définition que donnent de ce terme les règlements.
(5) At least one school operated by the Minister or a School Board in each community shall provide a free kindergarten program subject to the regulations.

(6) If there is more than one school in a community, the Minister or School Board shall designate the school or schools that shall offer the kindergarten program.

[5.Y. 2002, c. 61, s. 32]

33 Pre-School education programs

(1) The Minister or a School Board may establish and maintain educational programs for children who have not reached school age.

(2) The Minister or a School Board may charge tuition fees for attendance at the program referred to in subsection (1).

(3) No child shall be prohibited from attending a program referred to in subsection (1) due to the inability of the parent to pay the fee for the attendance.

[5.Y. 2002, c. 61, s. 33]

DIVISION 6
STUDENTS RIGHTS AND RESPONSIBILITIES

34 Rights of students

In accordance with this Act, students attending school are entitled to

(a) receive a free educational program appropriate to their needs;

(b) receive an educational program outlined in an Individualized Education Plan when the student is in need of a special education program;

(c) examine and copy their student records;

(d) be provided with accommodation if they are required to live away from home to receive an educational program;

(e) be treated in a fair and consistent manner; and

a) de suivre un programme d'études gratuit conforme à leurs besoins;

b) de suivre le programme d'études prévu dans un plan d'études individualisé quand ils ont besoin de s'inscrire à un programme d'enseignement à l'enfance en difficulté;

c) de consulter leur dossier scolaire et d’en établir des copies;

d) d’être logés, s’ils doivent quitter leur domicile pour suivre un programme d’études;

e) d’être traités d’une façon juste et cohérente;
Section 35

A student may express any religious, political, moral or other belief or opinion so long as the expression does not adversely affect the rights or education of other students or the rights of other persons in the school.

[5Y. 2002, c. 61, s. 35]

36 Corporal punishment

Corporal punishment shall not be used in the discipline of students.

[5Y. 2002, c. 61, s. 36]

37 Exercise of rights

Students who have reached the age of 19 are entitled to exercise all the rights and powers, to assume all the obligations, and to receive all the benefits under this Act with respect to them that their parents are otherwise entitled to exercise, assume or receive on their behalf and their parents shall not exercise those rights and powers, assume those obligations or receive those benefits.

[5Y. 2002, c. 61, s. 37]

38 Duties of students

Every student shall

(a) respect the rights of others;
(b) attend school regularly as required by this Act;
(c) arrive punctually for each session of school;
(d) observe the rules of the school;
(e) pursue in a diligent manner the courses of study and carry out learning activities as may be required by a teacher;
(f) return any school books or apparatus on loan when required to do so by a teacher or principal; and
(g) refrain from damaging or mutilating any school property.

[f) d’interjeter appel, seul ou avec leurs père et mère, des décisions qui touchent de façon importante leur éducation, leur santé ou leur sécurité.

[L.Y. 2002, ch. 61, art. 34]

35 Freedom of opinion

Les élèves peuvent exprimer leurs croyances ou leurs opinions, notamment en matière de religion, de politique ou de morale, dans la mesure où cette expression ne nuit pas aux droits ou à l’éducation des autres élèves ou aux droits des autres personnes présentes à l’école.

[L.Y. 2002, ch. 61, art. 35]

35 Liberté de parole

Les élèves peuvent exprimer leurs croyances ou leurs opinions, notamment en matière de religion, de politique ou de morale, dans la mesure où cette expression ne nuit pas aux droits ou à l’éducation des autres élèves ou aux droits des autres personnes présentes à l’école.

[L.Y. 2002, ch. 61, art. 35]

36 Châtiments corporels

Les châtiments corporels sont interdits dans la discipline des élèves.

[L.Y. 2002, ch. 61, art. 36]

37 Exercice des droits

Les élèves âgés de 19 ans ou plus exercent tous les droits et les pouvoirs, assument toutes les obligations et bénéficient de tous les avantages que la présente loi confère à leurs père et mère, à l’exclusion de ceux-ci.

[L.Y. 2002, ch. 61, art. 37]

38 Obligations des élèves

Les élèves sont tenus aux obligations suivantes :

a) respecter les droits d’autrui;
b) fréquenter régulièrement l’école comme l’exige la présente loi;
c) arriver à l’heure à chaque cours;
d) observer le règlement scolaire;
e) suivre les cours avec application et faire les activités d’apprentissage qu’exigent les enseignants;
f) remettre à l’école les livres ou les appareils qui leur sont prêtés lorsqu’un enseignant ou le directeur d’école le leur demande;
g) ne pas endommager ni mutiler les biens qui appartiennent à l’école L.Y. 2002, ch. 61, art. 38
39  School rules

(1) A School Board or Council and, if no School Board or Council has been established, the superintendent shall review, modify if necessary, and approve rules for the school and procedures for the enforcement of the rules as developed by the school administration in consultation with school employees and after having requested input from students.

(2) The rules that affect students shall be posted in conspicuous places in the school and shall be reviewed with the students of the school at the start of each school year.

(3) The rules established pursuant to this section shall be applied without discrimination to all students and shall be consistent with this Act and the regulations.

(4) Discipline of students shall be administered in accordance with this Act and the rules and procedures established by the School Board, Council or superintendent.

40  Dismissal of students

(1) A principal may dismiss a student for a period not exceeding two school days for any breach by the student of the duties specified in section 38.

(2) When a student has been dismissed, the principal shall
   (a) make every effort possible to inform the parents of the student the reason for the dismissal; and
   (b) meet as soon as possible with the student and the parents of the student to review the circumstances surrounding the dismissal and to determine appropriate corrective action.

(3) If there is no resolution within two school days, the principal must decide either to reinstate or to suspend the student in accordance with section 41.

39  Règlement scolaire

(1) La commission scolaire ou le conseil et, à défaut de commission scolaire ou de conseil, le surintendant examinent, modifient si nécessaire et approuvent le règlement scolaire et la procédure de sa mise en application établis par l’administration scolaire en consultation avec les employés de l’école et après avoir demandé l’avis des élèves.

(2) La partie du règlement qui concerne les élèves est affichée dans un lieu bien en vue à l’école et leur est expliquée au début de chaque année scolaire.

(3) Le règlement établi en conformité avec le présent article est appliqué sans discrimination à tous les élèves; il est compatible avec la présente loi et les règlements.

(4) Les règles de discipline sont appliquées en conformité avec la présente loi, le règlement scolaire et la procédure établis par la commission scolaire, le conseil ou le surintendant.

40  Renvoi des élèves

(1) Le directeur d’école peut renvoyer un élève pour une période maximale de deux jours de classe si l’élève ne se conforme pas aux obligations que lui impose l’article 38.

(2) En cas de renvoi, le directeur d’école est tenu de prendre toutes les mesures possibles pour informer les père et mère de l’élève des motifs du renvoi et de rencontrer le plus tôt possible l’élève et ses père et mère afin d’examiner les circonstances qui ont donné lieu au renvoi et de déterminer les correctifs nécessaires.

(3) Si le problème n’est pas réglé dans un délai de deux jours de classe, le directeur d’école doit décider de permettre à l’élève de revenir à l’école ou de le suspendre en conformité avec l’article 41.
41 Suspension of students

(1) A principal may suspend a student for a period not exceeding 10 school days for any breach by the student of the duties specified in section 38.

(2) A principal may recommend to a School Board, Council, or if there is no Council, a superintendent that a student be suspended for a period greater than 10 school days.

(3) When a principal suspends a student or makes a recommendation for suspension for a period exceeding 10 school days, the principal shall report in writing to the parents of the student and to the School Board, the Council, or if there is no Council, the superintendent the reason or reasons for the suspension.

(4) The parent of a suspended student and the suspended student may make representations to the School Board, Council, or if there is no Council, the superintendent with respect to the suspension or the recommendation for a suspension for a period exceeding 10 school days.

(5) The School Board, Council or superintendent may

(a) reinstate the student;

(b) uphold the suspension; or

(c) place the student on a suspension that exceeds 10 school days and that ends at the end of the semester or school year, whichever occurs first.

(6) The student shall remain suspended until the School Board, Council or superintendent has reached a decision.

(7) A student or a parent of a student may appeal within 14 days of receipt of a suspension decision by a School Board, Council or superintendent to the Education Appeal Tribunal.

(8) The School Board, Council or superintendent shall inform the student and the parents of the student of the right of appeal under subsection (7).

[S.Y. 2015, c. 9, s. 3] [S.Y. 2002, c. 61, s. 41]

41 Suspension des élèves

(1) Le directeur d’école peut suspendre un élève pour une période maximale de 10 jours de classe parce que celui-ci ne se conforme pas aux obligations que lui impose l’article 38.

(2) Le directeur d’école peut recommander à la commission scolaire, au conseil ou, à défaut de conseil, au surintendant de suspendre un élève pour une période supérieure à 10 jours de classe.

(3) S’il suspend un élève ou fait une recommandation de suspension pour une période supérieure à 10 jours de classe, le directeur d’école fait rapport par écrit du ou des motifs de sa décision aux père et mère de l’élève ainsi qu’à la commission scolaire, au conseil ou, à défaut de conseil, au surintendant.

(4) L’élève et ses père et mère peuvent présenter des observations à la commission scolaire, au conseil ou, à défaut de conseil, au surintendant à l’égard de la suspension ou de la recommandation de suspension pour une période supérieure à 10 jours de classe.

(5) La commission scolaire, le conseil ou le surintendant peuvent :

a) permettre à l’élève de revenir à l’école;

b) confirmer la suspension;

c) suspendre l’élève pour une période supérieure à 10 jours de classe se terminant à la fin d’un semestre ou de l’année scolaire, s’il s’agit du deuxième semestre.

(6) L’élève demeure suspendu tant que la commission scolaire, le conseil ou le surintendant n’a pas rendu sa décision.

(7) L’élève ou ses père et mère peuvent interjeter appel au Tribunal d’appel de l’éducation de la décision de la commission scolaire, du conseil ou du surintendant dans les 14 jours de la réception de la décision.

(8) La commission scolaire, le conseil ou le surintendant informent l’élève et ses père et mère du droit d’appel que leur accorde le paragraphe (7).

[L.Y. 2015, ch. 9, art. 3; L.Y. 2002, ch. 61, art. 41]
PART 4
SCHOOL OPERATION

42 Language of instruction

Every student is entitled to receive an educational program in the English language.

[S.Y. 2002, c. 61, s. 42]

43 Locally developed course of study

(1) A locally developed course of study may be used in an educational program if the course has been approved by a School Board or Council and the Minister.

(2) Locally developed courses may constitute up to 20 per cent of the educational program offered to any student in a semester or a school year.

(3) The Minister shall approve or reject a proposal for the development of a locally developed course of study within 30 days of its receipt and shall provide reasons for any rejection.

(4) When the Minister approves a proposal for a locally developed course of study, the Minister may provide support for the development of the course of study.

(5) When the Minister rejects a proposal for a locally developed course of study, the School Board, Council or a Local Indian Education Authority may appeal the rejection within 30 days of receiving notice of it to the Education Appeal Tribunal.

[S.Y. 2015, c. 9, s. 3] [S.Y. 2002, c. 61, s. 43]

44 Instructional materials

A School Board or Council, with the prior approval of the Minister, may authorize the use of a textbook, instructional materials, apparatus or equipment for any course of study in addition to those prescribed by the Minister.

[S.Y. 2002, c. 61, s. 44]

45 Patriotic exercises

(1) A School Board or Council may offer patriotic exercises to students in school.

[S.Y. 2002, c. 61, s. 45]

PARTIE 4
FONCTIONNEMENT DES ÉCOLES

42 Langue d’enseignement

Tous les élèves ont droit à l’enseignement en anglais.

[L.Y. 2002, ch. 61, art. 42]

43 Cours mis sur pied localement

(1) Un cours mis sur pied localement peut être utilisé dans le cadre d’un programme d’études, à la condition d’avoir été approuvé par la commission scolaire ou le conseil et par le ministre.

(2) Les cours mis sur pied localement peuvent constituer jusqu’à 20 pour cent du programme d’études offert aux élèves dans un semestre ou une année scolaire.

(3) Le ministre approuve ou rejette un projet de mise sur pied d’un cours visé au présent article dans les 30 jours de la réception de la demande et motive sa décision de rejet.

(4) Le ministre peut fournir de l’aide pour la mise sur pied d’un cours qu’il approuve sous le régime du présent article.

(5) Quand le ministre rejette la proposition visée au paragraphe (3), la commission scolaire, le conseil ou le bureau local indien de l’éducation peuvent interjeter appel au Tribunal d’appel de l’éducation de la décision de rejet dans les 30 jours de la réception de l’avis de rejet.

[L.Y. 2015, ch. 9, art. 3;] [L.Y. 2002, ch. 61, art. 43]

44 Matériel pédagogique

La commission scolaire ou le conseil, ayant obtenu au préalable l’agrément du ministre, peuvent autoriser l’utilisation de manuels, de matériels pédagogiques, d’appareils ou de tout autre équipement à utiliser dans le cadre d’un cours, en plus de ceux que le ministre a prescrits.

[L.Y. 2002, ch. 61, art. 44]

45 Exercices patriótiques

(1) La commission scolaire ou le conseil peut offrir aux élèves des exercices patriotiques à l’école.
(2) If patriotic exercises are offered in school, students attending the school may, with the written approval of their parent, leave the class during the exercise or remain with the class without taking part in the exercise.

[S.Y. 2002, c. 61, s. 45]

46 School year

(1) The Minister or, if a School Board has been established, the School Board shall specify, on or before March 31, for each school operated by it

(a) the school opening date;
(b) the number and the days of school operation;
(c) the length of the school day; and
(d) the number of minutes of classroom instruction in a school day.

(2) In each school year there shall be

(a) 950 hours of instruction;
(b) 15 hours for professional development for school staff who are employees within the meaning of the Education Labour Relations Act; and
(c) 15 hours for non-instructional purposes specified by a School Board or Council for its school or schools.

(3) The number of minutes for classroom instruction in a school day shall not be less than 300 and not more than 330, subject to subsection (4).

(4) The number of minutes for classroom instruction for grade one shall not be less than 270.

(5) Every school year shall include a winter vacation period that extends from at least December 21 to January 2 and one other vacation period of at least four weeks duration.

(6) [Repealed S.Y. 2013, c.2, s.2]

(7) Statutory holidays shall be school holidays.

(8) School Boards that operate in the same community shall establish the same school year pursuant to subsection (1).

(2) Lors des exercises patriotiques, les élèves qui fréquentent l’école peuvent, à la condition d’y être autorisés par écrit par leurs père et mère, quitter la classe ou y demeurer sans prendre part aux exercices.

[L.Y. 2002, ch. 61, art. 45]

46 Année scolaire

(1) Le ministre ou, si une commission scolaire a été constituée, la commission scolaire sont tenus de préciser au plus tard le 31 mars, à l’égard de chaque école qui relève de leur autorité :

(a) le jour de la rentrée scolaire;
(b) les jours de classe et en donner le nombre total;
(c) la durée d’un jour de classe;
(d) le nombre de minutes d’enseignement en classe par jour de classe.

(2) L’année scolaire compte :

(a) 950 heures d’enseignement;
(b) 15 heures consacrées au perfectionnement professionnel pour les membres du personnel d’une école qui sont des employés au sens de la Loi sur les relations de travail dans le secteur de l’éducation;
(c) 15 heures consacrées aux activités parascolaires prévues par une commission scolaire ou un conseil pour son ou ses écoles.

(3) Sous réserve du paragraphe (4), le nombre de minutes d’enseignement en classe par jour de classe est compris entre 300 et 330.

(4) Le nombre minimal de minutes d’enseignement en classe en première année est de 270.

(5) Chaque année scolaire comprend une période de vacances d’hiver qui commence au plus tard le 21 décembre pour se terminer le 2 janvier et une autre période de vacances d’une durée minimale de quatre semaines.

(6) [Abrogé L.Y. 2013, ch. 2, art. 2]

(7) Il n’y a pas d’école les jours fériés.

(8) Les commissions scolaires d’une même collectivité sont tenues de s’entendre sur les calendriers scolaires visés au paragraphe (1).
47 Transportation

(1) In this section “home” means the home or other residence designated by the Minister as the home of the student for the purpose of this section.

(2) If a student’s home is more than 3.2 kilometers by the nearest passable road from the school the student attends pursuant to section 11, the Minister shall provide transportation for the home, or an allowance for transportation and accommodation, or provide an educational program by distance education.

(3) If a student’s home is less than 3.2 kilometers by the nearest passable road from the school the student attends pursuant to section 11, the Minister may, subject to any fees or conditions prescribed by the regulations, provide transportation for the student to and from the school and the student’s home.

48 Accommodation

If a student who is a resident of the Yukon is required to live away from home to receive an educational program under section 11, the Minister shall provide accommodation and may prescribe, by regulations, fees to be charged for the accommodation or may provide an allowance for the accommodation.

49 Yukon Land Claim Agreement

Despite anything in this Act, if there is a conflict between this Act and

(a) a Yukon Land Claim Agreement that is in force; or

49 Accord sur les revendications territoriales au Yukon

Malgré les autres dispositions de la présente loi, les dispositions incompatibles des textes suivants l’emportent sur celle-ci :

a) toute disposition d’un accord sur les revendications territoriales au Yukon en cours de validité;
(b) a Self-Government Agreement between a Yukon First Nation and the Government of Canada or the Yukon that is in force, the Yukon Land Claim Agreement or Self Government Agreement shall prevail to the extent of the conflict.

[S.Y. 2002, c. 61, s. 49]

50 Language of instruction

(1) The Minister may authorize an educational program or part of an educational program to be provided in an aboriginal language after receiving a request to do so from a School Board, Council, school committee, Local Indian Education Authority or, if there is no Local Indian Education Authority, from a Yukon First Nation.

(2) In deciding whether to authorize instruction in an aboriginal language, the Minister shall consider

(a) the number of students to be enrolled in the instruction;

(b) the availability of resources and personnel for the instruction;

(c) the educational feasibility of providing the instruction; and

(d) the effect of the instruction on students who receive their instruction in English.

[S.Y. 2002, c. 61, s. 50]

51 Yukon heritage and environment

The Minister shall include in courses of study prescribed for use in schools studies respecting the cultural, linguistic and historical heritage of the Yukon and its aboriginal people, and the Yukon environment.

[S.Y. 2002, c. 61, s. 51]

52 Aboriginal languages

(1) The Minister shall provide for the development of instructional materials for the teaching of aboriginal languages and the training of aboriginal language teachers.

(2) The Minister shall employ aboriginal language teachers to provide aboriginal language instruction in schools in the Yukon.

[S.Y. 2002, c. 61, s. 52]
(3) An aboriginal language teacher shall be under the supervision of the principal of the school where the aboriginal language teacher is providing instruction.

(4) An aboriginal language teacher when providing aboriginal language instruction shall be deemed to be a teacher for the purposes of section 166 of this Act.

(5) The Minister shall establish policies and guidelines on the amount of instruction and the timetabling for the instruction of aboriginal languages in consultation with appropriate Local Indian Education Authorities, School Boards and Councils.

(6) The Minister shall meet on an annual basis with the Central Indian Education Authority to review the status of aboriginal language instruction in Yukon schools and shall make appropriate modifications if necessary.

[S.Y. 2002, c. 61, s. 52]

53 Agreements

(1) School Board or Council may
   (a) on its own initiative; or
   (b) after having received a request from a Yukon First Nation or a Local Indian Education Authority enter into an agreement with the Yukon First Nation for the provision of educational services by the Yukon First Nation on behalf of the School Board or Council.

(2) The Minister may settle any disputes that arise under subsection (1) and the Minister’s decision is final.

[S.Y. 2002, c. 61, s. 53]

54 Central Indian Education Authority

(1) On the establishment of a Central Indian Education Authority by the Council for Yukon First Nations, the Minister shall consult with the Central Indian Education Authority on any matter affecting the education and language of instruction of aboriginal people.

(2) The Minister and the Central Indian Education Authority may participate in joint evaluations of specific education programs, services and activities for aboriginal people, the terms of reference for which shall be approved by the Minister and the Central Indian Education Authority.

[S.Y. 2002, c. 61, s. 54]
(3) The cost of any evaluation conducted in accordance with subsection (2) shall be paid by the Minister. 

(4) The Minister shall table in the Legislative Assembly the report and recommendations from any evaluation conducted pursuant to subsection (2) within 30 days of receipt of the report and recommendation or at the next sitting of the Legislative Assembly. 

(5) The Minister shall respond to the recommendations referred to in subsection (4) and shall report to the Legislative Assembly the modifications to the education and language of instruction of aboriginal people in Yukon schools which resulted from those recommendations within six months of receipt by the Minister of the report and recommendations. 

(6) The Minister may enter into an agreement with and provide grants to the Central Indian Education Authority for the performance by it of any matter pertaining to aboriginal education including the development and preservation of aboriginal languages.

55 Cultural activities 

Every school administration, in consultation with the Local Indian Education Authority or, if there is no Local Indian Education Authority, the Yukon First Nation, shall include in the school program, activities relevant to the culture, heritage, traditions, and practices of the Yukon First Nation served by the school.

55 Activités culturelles 

Toutes les administrations scolaires, en consultation avec le bureau local indien de l’éducation ou, à défaut, la première nation du Yukon, incluent dans le programme scolaire des activités qui portent sur la culture, le patrimoine, les traditions et le mode de vie de la première nation du Yukon desservie par l’école.

PART 6 
FRENCH LANGUAGE AND SEPARATE SCHOOL RIGHTS 

56 French language 

Students whose parents have a right under section 23 of the Canadian Charter of Rights and Freedoms to have their children receive an educational program in the French language are entitled to receive that program in accordance with the regulations.

56 Langue française 

Les élèves dont les père et mère ont le droit en vertu de l’article 23 de la Charte canadienne des droits et libertés de faire instruire leurs enfants en français ont droit à cet enseignement en conformité avec les règlements.
57 Separate schools

All rights and privileges arising out of the Yukon Act (Canada), any agreement or understanding between the Commissioner of the Yukon Territory or the Minister and the Catholic Episcopal Corporation shall be respected and continued under this Act and any regulations passed thereunder.

[S.Y. 2002, c. 61, s. 57]

PART 7
SCHOOL COMMITTEES, COUNCILS AND SCHOOL BOARDS

DIVISION 1

ESTABLISHMENT

58 Attendance area

(1) The Minister may establish any community or portion of a community or any portion of the Yukon as an attendance area.

(2) In the establishment of an attendance area, the Minister may include land in one attendance area that is also included in a different attendance area or in an education area.

[S.Y. 2002, c. 61, s. 58]

59 Education area

(1) The Minister may establish any community or portion of a community or any portion of the Yukon as an education area.

(2) In the establishment of an education area, the Minister may include land in one education area that is also included in a different education area or in an attendance area.

[S.Y. 2002, c. 61, s. 59]

60 Re-Arrangement

The Minister may

(a) add land or take land from an education area or attendance area;

(b) divide an education area or attendance area into two or more education areas or attendance areas;

60 Réorganisation

Le ministre peut :

a) ajouter ou retrancher des terres à une zone de fréquentation ou à un district scolaire;

b) diviser un district scolaire ou une zone de fréquentation en plusieurs zones ou districts;

[S.Y. 2002, c. 61, s. 60]

[L.Y. 2002, ch. 61, art. 57]

[L.Y. 2002, ch. 61, art. 58]

[L.Y. 2002, ch. 61, art. 59]
(c) combine two or more attendance areas to form one attendance area; and

(d) combine two or more education areas to form one education area.

[S.Y. 2002, c. 61, s. 60]

61 Dissolution

(1) The Minister may dissolve an education area or attendance area.

(2) When an education area or an attendance area no longer has a school assigned to it, it shall be deemed to be dissolved.

[S.Y. 2002, c. 61, s. 61]

62 Residents

(1) The Minister shall designate the category of residents for whom the education area and attendance area is established.

(2) A designation of residency may be made based on geographic, language or religious criteria.

(3) In the designation of residency, the Minister shall ensure that the rights of separate schools referred to in the Yukon Act (Canada) are guaranteed.

[S.Y. 2002, c. 61, s. 62]

63 Assigning schools to areas

The Minister shall assign

(a) every school existing on the date of proclamation to an attendance area; and

(b) every school established pursuant to section 6 to an education area or to an attendance area.

[S.Y. 2002, c. 61, s. 63]

64 Council

Subject to section 70, for each attendance area established by the Minister, there shall be a school council.

[S.Y. 2002, c. 61, s. 64]
65 School Board

For each education area established by the Minister, there shall be a School Board.

[S.Y. 2002, c. 61, s. 65]

66 Members or trustees

(1) A person who is elected to a school committee or Council shall be called a member.

(2) A person who is elected to a School Board shall be called a trustee.

[S.Y. 2002, c. 61, s. 66]

67 Composition

(1) The Minister shall specify the number of trustees of a School Board and members of a Council.

(2) Each Council shall have no fewer than three members and no more than seven members.

(3) Each School Board shall have no fewer than five trustees and no more than nine trustees.

(4) In this section, “member” and “trustee” do not include a representative appointed or elected under section 68.

[S.Y. 2016, c. 1, s. 2] [S.Y. 2002, c. 61, s. 67]

68 Guaranteed representation

(1) The Minister shall negotiate guaranteed representation for aboriginal people on School Boards and Councils with each Yukon First Nation and, by agreement with each Yukon First Nation, shall, when it is agreed that there shall be guaranteed representation

(a) determine the number of representatives of aboriginal people on a School Board or Council;

(b) establish the appointment or voting process for the filling of the guaranteed positions; and

(c) define the length of time for the guaranteed representation to apply.

(2) Before entering into an agreement with a Yukon First Nation pursuant to subsection (1), the Minister shall consult with any School Board or Council that is affected by the guaranteed representation.

[S.Y. 2016, c. 1, s. 2] [S.Y. 2002, c. 61, s. 67]
(3) Any agreement pursuant to subsection (1) that requires election of representatives shall be implemented by the calling of an election by the Minister.

(4) For greater certainty, a representative appointed or elected under this section to a School Board or Council is, except for the purposes of section 67, a trustee of the School Board or a member of the Council, as the case may be.

[S.Y. 2016, c. 1, s. 3] [S.Y. 2002, c. 61, s. 68]

69 School committees changing to councils

(1) In this section “former Act” means the School Act, chapter 155 of the Revised Statutes of the Yukon, 1986.

(2) Within 90 days of the proclamation of this Act, every school committee established under the former Act shall hold a meeting of the electors of its attendance area.

(3) The school committee shall, at least 14 days before the meeting, post notices giving the day, place, and hour of the meeting in at least four conspicuous places in the attendance area.

(4) The business of the meeting shall be to determine if the school committee shall change from a school committee to a Council.

(5) The school committee shall change from a school committee to a Council if, at a vote conducted at the meeting, at least 50 per cent plus one of the electors in attendance at the meeting vote in favour of the change.

(6) The date of the change from school committee to Council shall be determined by resolution of the school committee and shall be no later than 6 months from the proclamation of this Act.

(7) The Minister shall either

(a) arrange for the election of members of the Council; or

(b) appoint the existing members of the school committee as the Council for the remainder of the school year,

on receiving the resolution from the school committee referred to in subsection (6).

(8) If the vote at the meeting is not in favour of the change, the school committee shall seek exemption in accordance with section 70.

[S.Y. 2002, c. 61, s. 68]

69 Comités d’école

(1) Au présent article, « loi antérieure » s’entend de la loi intitulée Loi scolaire, chapitre 155 des Lois révisées du Yukon de 1986.

(2) Tous les comités d’école constitués sous le régime de la loi antérieure tiennent une assemblée des électeurs de leur zone de fréquentation dans les 90 jours de la proclamation de la présente loi.

(3) Au moins 14 jours avant l’assemblée, le comité d’école affiche à au moins quatre endroits bien en vue dans la zone de fréquentation un avis des jour, heure et lieu de l’assemblée.

(4) L’assemblée est convoquée pour décider s’il y a lieu de remplacer le comité d’école par un conseil.

(5) Le comité d’école devient un conseil si la majorité absolue des électeurs présents lors de l’assemblée vote en faveur du remplacement.

(6) La date du changement est déterminée par résolution du comité d’école et ne peut être postérieure de plus de six mois à celle de la proclamation de la présente loi.

(7) Sur réception d’une copie de la résolution, le ministre organise l’élection des membres du conseil ou nomme les membres du comité d’école à titre de membres du conseil pour le reste de l’année scolaire.

[S.Y. 2002, ch. 61, art. 68]
(9) If the Minister grants an exemption pursuant to section 70, the school committee shall, at each annual meeting of its electors thereafter, arrange for a vote by the electors to determine if the school committee should change to a Council.

(10) If, at a vote conducted at an annual meeting, at least 50 per cent plus one of the electors in attendance vote in favour of the school committee changing to a Council, the school committee shall immediately thereafter advise the Minister who shall change the school committee to a Council in accordance with subsection (7).

(11) If a school committee that has not been exempted pursuant to section 70 fails to hold a meeting in accordance with subsection (2), the Minister shall determine whether the school committee will change to a Council and the date for the change.

(12) The Minister shall specify the attendance area for each School Council.

70 Exemption

(1) The Minister may exempt a school committee from changing to a Council on a request to do so from a school committee in accordance with section 69.

(2) When an exemption is granted under subsection (1) the school committee shall continue as a school committee under this Act.

71 Corporate status

(1) The Minister shall establish

(a) each Council and its members as a corporation under the name of: ________________________ School Council of Attendance Area #___;and

(b) each School Board and its trustees as a corporation under the name of: ________________________ Board of Trustees of Education Area #__.
(2) A School Board or Council established by the Minister shall have for its purposes under this act the legal capacity of an individual.

[S.Y. 2002, c. 61, s. 71]

72 Councils changing to School Boards

(1) When a Council has been in existence for one or more school years

(a) the Council by resolution; or

(b) 20 per cent or more of the electors resident in the attendance area of the Council by petition may request the Minister to establish a School Board in substitution for the Council.

(2) Within 90 days of receipt of a request under subsection (1), the Minister shall conduct a vote of electors resident in the attendance area to determine if a School Board should be established.

(3) The Minister shall establish a School Board and shall determine its education area to be effective the first of the next following school year if at least 50 per cent plus one of the voting electors vote in favour of the establishment of a School Board.

[S.Y. 2002, c. 61, s. 72]

73 Combining Councils

(1) When two or more Councils have been in existence for one or more school years

(a) the Councils by separate resolution; or

(b) 20 per cent or more of the electors resident in the attendance areas of the Councils by petition may request the Minister to establish a School Board in substitution for the Councils.

(2) Within 90 days of receipt of a request under subsection (1), the Minister shall conduct a vote of the electors in the attendance areas to determine if a School Board should be established.
(3) The Minister shall establish a School Board for the attendance area to be effective the first of the next following school year if at least 50 per cent plus one of the voting electors from each of the attendance areas vote in favour of the establishment of a School Board.

[S.Y. 2002, c. 61, s. 73]

74 Combining School Boards

The Minister may combine two or more School Boards into one School Board after each School Board has been in existence for at least one school year on separate resolutions from each of the School Boards or on the combination of

(a) a petition from 20 per cent or more of the electors in the education areas of the School Boards; and

(b) at a vote conducted, at least 50 per cent plus one of the voting electors resident in each education area voting in favour of combining the School Boards.

[S.Y. 2002, c. 61, s. 74]

75 Combining School Board with Council or school committee

The Minister may combine a School Board and a Council or school committee into a School Board at any time after the School Board and the Council or school committee have been in existence for at least one school year on separate resolutions from the School Board and the Council or school committee or on the combination of

(a) a petition from 20 per cent or more of the electors in the education and attendance areas of the School Board and the Council or school committee; and

(b) at a vote conducted, at least 50 per cent plus one of the voting electors resident in each education and attendance area voting in favour of combining the School Board with the Council or school committee.

[S.Y. 2002, c. 61, s. 75]
76 Ministerial authority to combine
(1) Subject to subsection (2), the Minister may at any
time combine two or more School Boards, two or more
Councils, or one or more School Boards with one or more
Councils.

(2) The Minister shall not combine a School Board or
Council that is established on the basis of religion or
language with a School Board or Council that is not
established on the basis of that religion or language,
unless requested to do so in accordance with
section 73, 74 or 75.

[S.Y. 2002, c. 61, s. 76]

77 Transfer of assets
(1) The Commissioner in Executive Council may make
regulations respecting the transfer of property from the
Government of the Yukon to a School Board and from a
School Board to the Government of the Yukon.

(2) A regulation under subsection (1) may be made to
operate despite any provision of the Financial
Administration Act.

[S.Y. 2002, c. 61, s. 77]

DIVISION 2
ELECTIONS

78 Election of School Boards
(1) There shall be a general election for trustees of
School Boards every three years.

(2) Polling day shall be a Monday no earlier than the
twenty-first day following the first publication of the
notice of nominations of candidates pursuant to
section 87.

[S.Y. 2002, c. 61, s. 78]

79 Election of Councils
(1) There shall be a general election for members of
Councils not sooner than 23 months and not later
than 25 months from the preceding general election
on a date specified by the Minister.

(2) Members of a Council shall hold office for a term

[S.Y. 2002, c. 61, s. 79]
79.1 Appointment to ensure continuity

(1) Following a general election for members of Councils, if no member of an outgoing Council has been elected to serve on the incoming Council, the Minister may, upon the request of the incoming Council, appoint a person who was a member of the outgoing Council as an additional member of the incoming Council.

(2) A request under subsection (1) must be received by the Minister on or before November 1 following the general election.

(3) Despite subsection 79(2), a person appointed under subsection (1) may only be appointed for a term of up to one year.

(4) Before being appointed under subsection (1), a person must provide their written consent to the Minister.

(5) Neither the resignation nor the expiration of the term of office of a person appointed under subsection (1) creates a vacancy on a Council for the purpose of section 108 or any other provision of this Act.

[ S.Y. 2013, c. 2, s. 4 ] [ S.Y. 2002, c. 61, s. 79 ]

80 Election of school committees

The Minister shall establish the number of members of a school committee and shall provide for the election and term of office of the members of a school committee.

[ S.Y. 2002, c. 61, s. 80 ]

a) débutant le jour de la rentrée scolaire, fixé par le ministre en application du paragraphe 46(1), qui suit l’élection générale;

b) se terminant le jour qui précède celui de la rentrée scolaire, fixé par le ministre en application du paragraphe 46(1), de la troisième année scolaire suivant l’élection générale.

(3) Le commissaire en conseil exécutif, sur la recommandation du directeur général des élections, prend les règlements qui sont nécessaires au déroulement des élections des membres d’un conseil.

[ L.Y. 2013, ch. 2, art. 3 ] [ L.Y. 2002, ch. 61, art. 79 ]

80 Élection des membres des comités d’école

Le ministre fixe le nombre des membres d’un comité d’école et prévoit leur élection ainsi que la durée de leur mandat.

[ L.Y. 2002, ch. 61, art. 80 ]
81 Election of new School Boards and Councils

(1) The Minister shall set a date for the election of trustees of a School Board and members of a Council established between general elections.

(2) Trustees and members elected between general elections shall hold office for a period of time that ends on the swearing in of trustees and members elected at the general election next following.

[S.Y. 2002, c. 61, s. 81]

82 Qualifications of electors

(1) Every person is entitled to vote in an election for a school committee, School Board or Council who, on polling day

(a) is a Canadian citizen;

(b) has reached the age of 18 years; and

(c) is

(i) a resident pursuant to section 62 in the education area for the School Board or in the attendance area for the Council or school committee for the period of three months, or

(ii) a parent of a child in attendance at a school in the education or attendance area.

(2) A parent who has children attending more than one school may vote at the election for each School Board, Council, or school committee that is responsible for the school at which each child is in attendance.

(3) For the election of trustees of a School Board or members of a Council that is established on the basis of religion pursuant to the rights referred to in section 57, only those persons who are recognized by the Catholic Episcopal Corporation may vote in the election.

81 Élections des commissaires et des membres

(1) Le ministre fixe la date des élections des commissaires d’une commission scolaire et des membres d’un conseil formés entre deux élections générales.

(2) Les commissaires et les membres élus entre la tenue de deux élections générales exercent leurs fonctions jusqu’à l’assermentation des nouveaux élus lors de la prochaine élection générale.

[S.Y. 2002, ch. 61, art. 81]

82 Qualité d’électeur

(1) A qualité pour voter à l’élection des membres d’un comité d’école ou d’un conseil ou des commissaires d’une commission scolaire la personne qui, le jour du scrutin, remplit les trois conditions suivantes :

a) est un citoyen canadien;

b) est âgée d’au moins 18 ans;

c) se trouve dans l’une ou l’autre des situations suivantes :

(i) depuis au moins trois mois, elle est un résident au sens de l’article 62 dans le district scolaire de la commission scolaire ou dans la zone de fréquentation du conseil ou du comité d’école,

(ii) elle est le père ou la mère d’un enfant qui fréquente une école située dans le district scolaire ou la zone de fréquentation.

(2) Les parents dont les enfants ne fréquentent pas la même école ont qualité pour voter à l’élection des commissaires ou des membres du conseil scolaire ou du comité d’école dont relève chacune des écoles que fréquentent leurs enfants.

(3) Seules les personnes que reconnaît la corporation épiscopale catholique peuvent voter à l’élection des commissaires d’une commission scolaire ou des membres d’un conseil constitué selon la religion en conformité avec les droits visés à l’article 57.
(4) For the election of trustees of a School Board or members of a Council that is established on the basis of language pursuant to the rights referred to in section 23 of the Canadian Charter of Rights and Freedoms, only those persons who possess the rights referred to in section 23 of the Canadian Charter of Rights and Freedoms may vote in the election.

[SY. 2002, c. 61, s. 82]

83 Persons not qualified to vote

The chief electoral officer and the assistant chief electoral officer are not qualified to vote at an election under this Act and shall not vote at any such election.

[SY. 2002, c. 61, s. 83]

84 Chief electoral officer

(1) The chief electoral officer appointed pursuant to the Elections Act shall, pursuant to this Division

(a) exercise general direction and supervision over the administrative conduct of elections of School Boards and Councils;

(b) enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Division;

(c) issue to election officers those instructions the chief electoral officer considers necessary to ensure effective execution of the provisions of this Division; and

(d) execute and perform all the powers and duties assigned to the chief electoral officer by this Division.

(2) If, during the course of an election, it appears to the chief electoral officer that, because of any mistake, miscalculation, emergency, or unusual or unforeseen circumstances, any of the provisions of this Division do not accord with the exigencies of the situation, the chief electoral officer may, by particular or general instructions, adapt any of the provisions of this Division to the execution of its intent to any degree the chief electoral officer considers necessary to meet the exigencies of the situation.

[LY. 2002, ch. 61, art. 82]
(3) The chief electoral officer may authorize the assistant chief electoral officer, appointed pursuant to the Elections Act, or any election officer appointed pursuant to this Division to exercise any of the powers or perform any of the duties assigned to the chief electoral officer by this Act.

[S.Y. 2004, c. 9, s. 80] [S.Y. 2002, c. 61, s. 84]

85 Returning officer

(1) The chief electoral officer shall appoint a returning officer in the prescribed form for each education area and attendance area.

(2) Every person who is a returning officer must be qualified as an elector in the education area or attendance area in respect of which the appointment is made.

(3) Every returning officer shall, on appointment, take the prescribed oath faithfully to perform the duties of returning officer without partiality, fear, favour or affection.

(4) The appointment of a returning officer shall terminate on completion of all duties required for the general election for which the appointment applies.

[S.Y. 2002, c. 61, s. 85]

86 Qualifications of candidates

(1) A person is eligible to be nominated to become a trustee of a School Board or a member of a school committee or Council if that person is qualified as an elector in that education area or attendance area.

(2) A person may not be nominated or elected as a trustee of a School Board or a member of a Council if that person is ineligible to become a trustee or member and sit and vote on a School Board or Council unless

(a) the ground for ineligibility is such that the person can divest it within 30 days after polling day; and

(b) the person, on nomination, files with the returning officer a statement in the prescribed form disclosing the ineligibility pursuant to paragraph 151(1)(e) and undertaking that, if elected, the ineligibility will be divested within 30 days after polling day.

86 Conditions requises pour être candidat

(1) Tout électeur d’une zone de fréquentation ou d’un district scolaire peut être candidat au poste de commissaire ou de membre du conseil ou du comité d’école pertinent.

(2) Une personne ne peut être candidate ni être élue à titre de commissaire ou de membre d’un conseil si elle est inadmissible à l’exercice de ces fonctions, sauf si, à la fois :

a) le motif d’inadmissibilité est tel qu’elle peut y remédier dans les 30 jours de la date du scrutin;

b) lors de la présentation de sa candidature, elle dépose auprès du directeur du scrutin une déclaration, rédigée selon le formulaire réglementaire, faisant état du motif d’inadmissibilité visé à l’alinéa 151(1)e) et par laquelle elle s’engage, si elle est élue, à y remédier dans les 30 jours de la date du scrutin.
(3) If a candidate files a statement pursuant to subsection (2), the returning officer shall
(a) advise every other candidate of the fact;
(b) transmit a copy of the statement to the chief electoral officer; and
(c) permit any elector or candidate to scrutinize a copy of the statement.

(4) A candidate who has filed a statement and undertaking pursuant to subsection (2) and who is subsequently elected and who fails, within 30 days of polling day, to divest the ground for ineligibility is guilty of an offence and the election of that candidate is void.

[S.Y. 2002, c. 61, s. 86]

87 Notice of nominations

The chief electoral officer shall publish a notice for the nominations of candidates for the offices of trustees of a School board or members of a Council in the prescribed form and manner.

[S.Y. 2002, c. 61, s. 87]

88 Nomination paper

(1) Every candidate for the office of trustee of a School Board and member of a Council shall be nominated in the prescribed form.

(2) Any three or more persons qualified as electors in an education area or attendance area may nominate a candidate for that education area or attendance area by causing a nomination paper to be filed with the returning officer.

(3) The nomination paper shall be signed by the three or more persons nominating the candidate before a witness.

(4) A person being nominated as a candidate is entitled to be the witness under subsection (3).

[S.Y. 2002, c. 61, s. 88]

89 Nominations of candidates

(1) The nomination date for an election for School Boards shall be 11 days before the election date for School Boards.

(2) The nomination date for a general election for Councils shall be prescribed by the Commissioner in

[S.Y. 2002, c. 61, s. 89]
Executive Council on the recommendation of the chief electoral officer.

(3) The nomination paper for a candidate as trustee of a School Board or member of a Council may be delivered to the returning officer:

(a) at any time following the publication pursuant to section 87; or

(b) between 10 o'clock in the forenoon and 12 o'clock noon on the nomination date identified under subsection (1) at the place designated by the chief electoral officer for the holding of nomination proceedings.

[S.Y. 2002, c. 61, s. 89]  

90 Order of names on ballot paper

(1) At the time set for the close of nominations of trustees for School Boards, the returning officer shall, in the presence of any candidates and electors who are present, establish, by the drawing of lots, the order in which the names of candidates shall appear on the ballot paper.

(2) On the completion of the drawing of lots under subsection (1), the returning officer shall record the results of the draw and at least two of the witnesses shall verify the results by statutory declaration in the prescribed form.

[S.Y. 2002, c. 61, s. 90]  

91 Acclamation

(1) If the number of nominations for candidates for the office of trustee of a School Board and member of a Council do not exceed the number to be elected, the returning officer shall declare the persons nominated to be elected and shall send to the chief electoral officer a report of their election together with the nomination papers of all persons nominated.

(2) The chief electoral officer shall cause a notice to be published of the names of persons elected under subsection (1) and shall forward a copy of this notice to the Minister.

[S.Y. 2002, c. 61, s. 91]  

90 Ordre des noms sur le bulletin de vote

(1) Au moment prévu pour la clôture des présentations des candidatures aux postes de commissaire, le directeur du scrutin, devant les candidats et électeurs qui sont présents, détermine, en procédant à un tirage au sort, l’ordre dans lequel les noms des candidats seront inscrits sur le bulletin de vote.

(2) À la fin du tirage au sort, le directeur du scrutin inscrit les résultats et au moins deux témoins en attestent l’exactitude par déclaration solennelle faite selon le formulaire réglementaire.

[S.Y. 2002, c. 61, s. 90]  

91 Acclamation

(1) Si le nombre de candidats n’est pas supérieur au nombre de postes de commissaire ou de membre d’un conseil à pourvoir, le directeur du scrutin les déclare élus et envoie au directeur général des élections un rapport à cet effet, accompagné de la déclaration de candidature de chaque candidat.

(2) Le directeur général des élections fait publier un avis des personnes déclarées élues au titre du paragraphe (1) et en transmet copie au ministre.

[S.Y. 2002, c. 61, s. 91]
92 Election of School Boards
Sections 93 to 107 shall apply to the election of trustees for School Boards.

[S.Y. 2002, c. 61, s. 92]

93 Hours of polling
The hours of voting for the election of trustees of a School Board shall be established by the Commissioner in Executive Council on the recommendation of the chief electoral officer and be at least five consecutive hours between nine o’clock in the forenoon and nine o’clock in the afternoon.

[S.Y. 2002, c. 61, s. 93]

94 Polling places
(1) The chief electoral officer shall determine the number and location for the polling places for an election.

(2) There shall be a minimum of one polling station in each polling place at an election.

[S.Y. 2002, c. 61, s. 94]

95 Deputy returning officer and poll clerk
(1) The returning officer shall appoint, in the prescribed form, a deputy returning officer and poll clerk for each polling station.

(2) Every deputy returning officer and poll clerk shall take an oath in the prescribed form.

[S.Y. 2002, c. 61, s. 95]

96 Polling station supplies
The returning officer shall give to each deputy returning officer

(a) enough ballot papers in the prescribed form;

(b) the necessary materials for electors to mark their ballot papers;

(c) a poll book in the prescribed form;

[S.Y. 2002, c. 61, s. 96]
(d) a sufficient supply of printed directions in the prescribed form for the guidance of electors in voting; d) une quantité suffisante d’instructions imprimées en la forme réglementaire pour permettre aux électeurs de voter;
(e) a ballot box; and e) une urne;
(f) any other forms and supplies authorized by the chief electoral officer. f) les autres formulaires et accessoires qu’autorise le directeur général des élections.

97 List of electors
The chief electoral officer may cause a list of electors to be prepared and revised for any education area.

97 Liste électorale
Le directeur général des élections fait préparer et réviser la liste électorale pour chaque district scolaire.

98 Taking of the poll
The Commissioner in Executive Council, on the recommendation of the chief electoral officer, shall prescribe the procedures to be followed at the taking of the poll.

98 Scrutin
Le commissaire en conseil exécutif, sur la recommandation du directeur général des élections, fixe la procédure applicable au déroulement du scrutin.

99 Mail-in voting
(1) An elector who will be unable to vote on polling day because of
(a) infirmity;
(b) hospitalization;
(c) absence from the education area;
(d) confinement to a correctional centre;
(e) hours of employment; or
(f) appointment as a deputy returning officer or poll clerk pursuant to section 95
may apply before the close of the polls on polling day in writing in the prescribed form to the returning officer to vote by mail-in ballot.

(2) The returning officer, on receipt of an application to vote by mail-in ballot, shall
(a) confirm that the person is qualified as an elector in the education area;
(b) enter the elector’s name in a poll book; and
(c) mail or cause to be delivered to the elector after nomination day

99 Scrutin par correspondance
(1) L’électeur qui sera incapable de se présenter au bureau de scrutin pour motif d’infirmité, d’hospitalisation, d’absence du district scolaire, d’incarcération dans un centre correctionnel, d’heures de travail ou du fait qu’il a été nommé, conformément à l’article 95, scrutateur ou secrétaire du bureau de scrutin peut demander par écrit au directeur du scrutin, avant la clôture du scrutin et selon le formulaire réglementaire, de voter par correspondance.

(2) Dès qu’il reçoit la demande de vote par correspondance, le directeur du scrutin :
(a) détermine si l’auteur de la demande a qualité d’électeur dans le district scolaire;
(b) inscrit le nom de l’électeur dans le registre du scrutin;
(c) lui poste ou lui fait parvenir après le jour des présentations des candidatures :
(i) a ballot paper in the prescribed form initialled by the returning officer,

(ii) a ballot paper envelope for the marked ballot,

(iii) a certificate envelope,

(iv) an outer envelope for transmission to the returning officer,

(v) a list of the candidates nominated, and

(vi) instructions for marking and returning the mail-in ballot paper.

(3) An elector who receives a mail-in ballot paper shall

(a) mark the ballot paper for as many candidates as are to be elected; and

(b) mail or cause to be delivered to the returning officer before the close of the poll on polling day the outer envelope containing the marked ballot paper, the ballot paper envelope and the certificate envelope.

(4) The returning officer shall

(a) if the ballot paper is received before the close of the polls on polling day

(i) confirm the elector’s identity from the certificate envelope before placing it in the ballot box,

(ii) enter the word “voted” in the poll book;

or

(b) if the ballot paper is received before the close of the polls on polling day but the elector’s identity cannot be confirmed by the certificate envelope,

(i) place it unopened in the envelope for spoiled ballot papers, and

(ii) enter the phrase “spoiled ballot paper” in the poll book;

or

(c) if the ballot paper is received after the close of the polls, transmit the certificate envelope unopened to the chief electoral officer who shall destroy it.

(5) Immediately after the close of the poll, the returning officer shall

(i) un bulletin de vote, rédigé en la forme réglementaire, paraphé par le directeur du scrutin,

(ii) une enveloppe du bulletin de vote pour le bulletin de vote marqué,

(iii) une enveloppe-certificat,

(iv) une enveloppe extérieure pour transmission au directeur du scrutin,

(v) la liste des candidats,

(vi) les directives sur la façon de marquer son bulletin de vote et de le retourner par la poste.

(3) L’électeur qui reçoit ces documents :

a) marque son bulletin de vote en choisissant autant de candidats qu’il y a de postes à pourvoir;

b) poste ou fait parvenir au directeur du scrutin, avant la clôture du scrutin, l’enveloppe extérieure contenant le bulletin de vote marqué, l’enveloppe du bulletin de vote et l’enveloppe-certificat.

(4) Le directeur du scrutin :

a) s’il reçoit le bulletin de vote avant la clôture du scrutin :

(i) vérifie l’identité de l’électeur à l’aide des renseignements inscrits sur l’enveloppe-certificat avant de la mettre dans l’urne,

(ii) inscrit l’expression « a voté » dans le registre du scrutin;

b) si l’enveloppe est reçue avant la clôture du scrutin, mais qu’il n’est pas possible de vérifier l’identité de l’électeur à l’aide des renseignements inscrits sur l’enveloppe-certificat :

(i) met l’enveloppe, sans l’ouvrir, dans l’enveloppe destinée à recevoir les bulletins détériorés,

(ii) inscrit l’expression « bulletin détérioré » dans le registre du scrutin;

or

(c) si le bulletin est reçu après la clôture du scrutin, transmet l’enveloppe-certificat sans l’ouvrir au directeur général des élections, qui la détruit.

(5) À la clôture du scrutin, le directeur du scrutin :
(a) proceed pursuant to section 103;
(b) open the ballot box and remove the certificate envelopes;
(c) open the certificate envelopes, remove the ballot envelopes and place the certificate envelopes in the special envelope provided for that purpose;
(d) open the ballot envelopes and remove the ballots; and
(e) count the ballots following procedures required for an ordinary poll.

100 Initials on ballot papers
The deputy returning officer shall initial in ink each ballot paper supplied by the returning officer before the poll opens on polling day in front of the poll clerk and any candidates or agents who are present.

101 Candidates’ agents
Candidates shall be entitled to be represented at each polling station by agents who shall deliver their appointments in the prescribed form to the deputy returning officer.

102 Oath of qualification
If any objection is made to the qualification of any person to vote at an election for trustee of a School Board, the deputy returning officer shall require that person to take the prescribed oath before delivering a ballot paper to that person.

103 Counting of ballots
(1) At the time for the close of the poll, the deputy returning officer shall declare the poll closed and, with the assistance of the poll clerk, before any candidates or agents who are present, open the ballot box and count the ballots.
(2) Every ballot paper shall be void and shall not be counted.

100 Paraphe
Le scrutateur paraphe à l’encre chaque bulletin de vote que lui remet le directeur du scrutin avant l’ouverture du scrutin le jour du scrutin en présence du secrétaire du bureau de scrutin et des candidats ou de leurs agents qui sont présents.

101 Agents des candidats
Les candidats peuvent être représentés dans chaque bureau de scrutin par des agents qui doivent remettre au scrutateur le document attestant leur nomination, rédigé selon le formulaire réglementaire.

102 Serment
Le scrutateur exige d’une personne qu’elle prête serment selon le formulaire réglementaire avant de lui remettre un bulletin de vote si opposition est formée à l’égard de son vote parce qu’elle ne satisfait pas aux conditions requises pour être électeur.

103 Dépouillement du scrutin
(1) À l’heure déterminée pour la clôture du scrutin, le scrutateur déclare le scrutin clos et, avec l’aide du secrétaire du bureau de scrutin, devant les candidats ou leurs agents qui sont présents, ouvre l’urne et dépouille le scrutin.
(2) Les bulletins de vote suivants sont nuls et ne sont pas comptés.
(a) on which votes are given to more candidates than are to be elected;

(b) on which a mark appears to identify the ballot of a particular voter;

(c) which is unmarked; or

(d) from which it is uncertain for whom the ballot has been marked.

(3) If, during the counting of the ballots, the deputy returning officer discovers that the initials do not appear on the back of any ballot, the deputy returning officer shall, in the presence of the poll clerk and any candidates and agents, add the initials and count the ballot if the deputy returning officer is satisfied that

(a) the ballot has been supplied by the deputy returning officer;

(b) the omission has been made in good faith; and

(c) every ballot paper has been accounted for.

[S.Y. 2002, c. 61, s. 103]

104 Statement of votes

Each deputy returning officer shall make the necessary number of copies of the statement of votes in the prescribed form as follows

(a) one copy shall remain attached to the poll book;

(b) one copy shall be retained by the deputy returning officer;

(c) one copy for the returning officer shall be enclosed in a special envelope supplied for that purpose, sealed by the deputy returning officer and deposited by the deputy returning officer in the ballot box;

(d) one copy shall be delivered to each of the candidates’ agents; and

(e) one copy shall be mailed to each candidate in the special envelope provided for this purpose.

[S.Y. 2002, c. 61, s. 104]
105 Sealing of documents

(1) On completion of the counting of the ballots and ballot papers, the deputy returning officer shall place the following things in an envelope supplied for this purpose:

(a) the poll book;
(b) envelopes containing the unused and spoiled ballot papers, the rejected ballots and the ballots counted;
(c) the envelope containing the list of electors; and
(d) the appointments of candidates’ agents.

(2) On compliance with subsection (1), the deputy returning officer shall:

(a) seal the envelope in the prescribed form;
(b) sign the envelope;
(c) place the sealed envelope in the ballot box; and
(d) place all other documents used at the poll in the ballot box; and
(e) deliver the ballot box to the returning officer.

[2002, c. 61, s. 105]

106 Declaration of candidates elected

(1) At 12 o’clock noon on the next day following polling day, the returning officer shall, in the presence of those candidates or their agents who attend the proceedings, open the ballot boxes and, from the statements of the votes contained in the ballot boxes, officially add up the number of ballots cast for each candidate and the number of rejected ballots.

(2) The returning officer shall immediately declare the names of the candidates elected and report those names to the chief electoral officer.

(3) The returning officer shall deliver the ballot boxes and their contents to the chief electoral officer.

(4) The chief electoral officer shall cause a notice to be published of the names of candidates elected and shall forward a copy of this notice to the Minister.

[2002, c. 61, s. 106]
107 Recount

(1) If, after the addition of the votes,

(a) there is an equal number of votes for two or more candidates for the final position on a School Board; or

(b) the chief electoral officer is notified no later than three days after the addition that a candidate or an elector in an education area is filing an application for a recount in the prescribed form which states

(i) eight or fewer votes separate the last place candidate elected from the candidate with the next highest number of votes, or

(ii) at the counting of the ballots there were ballots which either should or should not have been counted,

the chief electoral officer shall appoint a time for the recount which shall be within seven days following the addition of the votes under paragraph (a) or notification of the application under paragraph (b) and so advise the returning officer and each candidate.

(2) At the time for the recount, the returning officer for the education area, in front of three witnesses appointed by the chief electoral officer and any candidates who are present, shall recount the ballots including the ballots cast for each candidate and the unused, spoiled and rejected ballots and verify or correct the statements of the vote.

(3) If the recount results in an equal number of votes for two or more candidates for the final position on a School Board, the election shall be decided by the drawing of lots by the returning officer in front of witnesses.

(4) At least two of the witnesses shall verify the results of the drawing of lots by declaration in the prescribed form.

(5) At the conclusion of the recount, the returning officer shall immediately proceed pursuant to section 106 to declare the names of the candidates elected.

[S.Y. 2002, c. 61, s. 107]

107 Recomptage

(1) Le directeur général des élections fixe la date du recomptage si, après le recensement général des votes :

a) le nombre de voix exprimées en faveur d’au moins deux candidats pour le dernier poste de commissaire est égal;

b) il est informé, au plus tard trois jours après le recensement général, qu’un candidat ou un électeur dépose une requête en recomptage selon le formulaire réglementaire pour l’un ou l’autre des motifs suivants :

(i) huit voix ou moins séparent le dernier candidat élu du candidat ayant le plus grand nombre de voix qui suit,

(ii) lors du dépouillement du scrutin, il y a eu mécompte des bulletins de vote;

le recomptage ne peut être tenu plus de sept jours après le recensement général des votes ou l’avis de présentation d’une requête en recomptage; le directeur général des élections en avise alors le directeur du scrutin et chaque candidat.

(2) À la date fixée pour le recomptage, le directeur du scrutin du district scolaire, devant trois témoins nommés par le directeur général des élections et les candidats qui sont présents, procède au recomptage des bulletins de vote, notamment les voix exprimées pour chaque candidat, et des bulletins non utilisés, détériorés et rejetés; il vérifie aussi et corrige, s’il y a lieu, les relevés du scrutin.

(3) En cas de partage pour le dernier poste de commissaire à pourvoir, l’élection se décide par tirage au sort auquel procède le directeur du scrutin en présence de témoins.

(4) Au moins deux des témoins attestent l’exactitude des résultats du tirage au sort en sousscrivant une déclaration selon le formulaire réglementaire.

(5) Le recomptage terminé, le directeur du scrutin applique immédiatement la procédure prévue à l’article 106 à l’égard de la déclaration d’élection.

[L.Y. 2002, ch. 61, art. 107]
108 Vacances

(1) Si un poste de membre des élections générales est vacant entre deux élections générales, le ministre peut nommer, sur la recommandation du directeur général des élections, une personne pour occuper le poste vacant ou décider de la tenue d’une élection partielle.

(2) Si un poste de commissaire entre des élections générales est vacant, le directeur général des élections procède à la tenue d’une élection partielle dans les 60 jours de la date de l’avis de vacance; toutefois, si le poste devient vacant durant la période de six mois qui précède les élections générales, le ministre peut nommer, sur la recommandation de la commission scolaire, une personne pour occuper le poste vacant.

[S.Y. 2002, ch. 61, art. 108]

109 Commissaire en conseil exécutif

Le commissaire en conseil exécutif, sur la recommandation du directeur général des élections, peut :

(a) prendre les règlements jugés nécessaires à la mise en œuvre de la présente section en conformité avec son intention et son sens;
(b) déterminer les formulaires, insignes, sceaux et autres accessoires d’élection nécessaires à la mise en œuvre de la présente section;
(c) fixer le mode de publication des avis ou des documents qui doivent être publiés en conformité avec la présente section.

[S.Y. 2002, ch. 61, art. 109]

110 Serment

Les personnes suivantes sont autorisées à faire prêter serment ou à recevoir les affirmations solennelles, affidavits ou déclarations prévus sous le régime de la présente section : un juge d’un tribunal, le directeur du scrutin, le scrutateur, le secrétaire du bureau de scrutin, un notaire public, un juge de paix ou un agent de la paix.

[S.Y. 2002, ch. 61, art. 110]

111 Rémunération du personnel électoral

(1) Le commissaire en conseil exécutif, après consultation avec le directeur général des élections, détermine la rémunération et les indemnités auxquelles...
remuneration and expenses to be paid to election officers and other staff provided for in this Division.

(2) An accountable advance may be made to an election officer to defray office and other incidental expenses.

[S.Y. 2002, c. 61, s. 111]

DIVISION 3
POWERS AND DUTIES

112 School committees

(1) A school committee shall be an advisory committee for the school in its attendance area.

(2) A school committee may

(a) advise the school administration on any matter relating to the school; and

(b) perform any duty or function referred to it by the Minister.

[S.Y. 2002, c. 61, s. 112]

113 School Councils

(1) A Council shall

(a) review, modify if necessary, and approve the school objectives, educational priorities and courses of study by grades, as prepared by the school administration, and other matters required for the effective functioning of the school;

(b) make recommendations to the superintendent for the allocation of resources within the budget approved for the school;

(c) participate in the selection procedures for persons to be interviewed for the position of principal and select for appointment a principal;

(d) in consultation with the superintendent, school administration and teachers, establish a procedure for resolving disputes between schools, parents and teachers;

(e) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting;

(f) make any necessary banking arrangements;

[g] keep a complete and accurate record of all transactions of the school.

[S.Y. 2002, c. 61, s. 113]

[UNOFFICIAL CONSOLIDATION OF THE STATUTES OF YUKON] [CODIFICATION NON OFFICIELLE DES LOIS DU YUKON]
(g) keep a complete and accurate record of financial transactions in a form prescribed by the Minister;  
(h) approve or cause to be approved all accounts payable by a Council for payment;  
(i) establish an attendance policy for students who are enrolled in its school;  
(j) procure a corporate seal; and  
(k) prepare reports, provide information and perform any duties as may be required under this Act.

(2) A Council may

(a) propose and offer locally developed courses of study and locally approved instructional materials subject to the approval of the Minister and this Act;  
(b) receive and spend funds pursuant to this Act;  
(c) provide advice to the Minister respecting  
   (i) the establishment of the school year and school day,  
   (ii) school closures,  
   (iii) teaching and support staff requirements,  
   (iv) transportation services,  
   (v) school renovations and capital budget for the school, and  
   (vi) school programs;  
(d) establish committees and specify the powers and duties of the committees;  
(e) establish rules and policies on any matter within its jurisdiction;  
(f) approve the allocation and expenditure of those discretionary funds allocated to the school within its budget;  
(g) direct the superintendent to evaluate a teacher, principal or other staff member and to provide a report to the Council of the evaluation, which report shall be returned to the superintendent;  
(h) approuve ou fait approuver tous les comptes qu’il doit payer;  
(i) établit la politique d’assiduité que doivent suivre les élèves inscrits dans son école;  
(j) obtient un sceau officiel;  
(k) prépare les rapports, fournit les renseignements et exerce les fonctions que prévoit la présente loi.

(2) Le conseil peut :

(a) offrir des cours mis sur pied localement et du matériel pédagogique créé localement, sous réserve de l’approbation du ministre et des autres dispositions de la présente loi;  
(b) recevoir et dépenser ses fonds en conformité avec la présente loi;  
(c) conseiller le ministre à l’égard des questions suivantes :
   (i) l’établissement du calendrier scolaire,
   (ii) la fermeture des écoles,
   (iii) les besoins en personnel enseignant et de soutien,
   (iv) les services de transport,
   (v) les rénovations et le budget de fonctionnement de l’école,
   (vi) les programmes scolaires;
(d) constituer des comités et fixer leurs attributions;
(e) prendre des règles et des principes directeurs sur toute question relevant de sa compétence;
(f) approuver l’affectation et la dépense des fonds discrétionnaires affectés à l’école dans son budget;
(g) ordonner au surintendant de lui remettre un rapport d’évaluation d’un enseignant, d’un directeur d’école ou d’un autre membre du personnel, ce rapport devant être remis.
immediately after the Council has reviewed and considered it;

(h) direct the principal to evaluate a teacher and to provide a report to it of the evaluation, which report shall be returned to the superintendent immediately after the Council has reviewed and considered it;

(i) recommend to the superintendent the dismissal, transfer, discipline or demotion of a teacher, principal or other employee in the school and provide reasons for the recommendation;

(j) approve curricular and extra-curricular field trips of more than one day’s duration; and

(k) approve the allocation of school days for extra-curricular activities.

[S.Y. 2002, c. 61, s. 113]

114 Powers of the Minister

(1) The Minister is responsible for the operation and management of any school in an attendance area in which there is a school committee or Council.

(2) The Minister shall evaluate, at least once every five years, each of the schools operated by the Minister in accordance with guidelines, standards, and procedures established by the Minister.

[S.Y. 2002, c. 61, s. 114]

115 Discretionary grants

The Minister may supply property and make grants and contributions to a Council to use in the exercise of its powers and duties under this Act, subject to terms and conditions stipulated by the Minister.

[S.Y. 2002, c. 61, s. 115]

116 School Boards

(1) A School Board shall

(a) select staff, including principals and teachers, for hiring, dismissal, discipline, transfer, promotion and demotion subject to this Act and any applicable collective agreement;

114 Pouvoirs du ministre

(1) Le ministre est responsable du fonctionnement et de la gestion des écoles situées dans une zone de fréquentation pour laquelle existe un comité d’école ou un conseil.

(2) Au moins une fois par cinq ans, le ministre est tenu d’évaluer chacune des écoles qui relèvent de son autorité, en conformité avec les lignes directrices, les normes et la procédure qu’il détermine.

[S.Y. 2002, c. 61, s. 115]

115 Subventions

Le ministre peut fournir des biens, accorder des subventions et octroyer des contributions à un conseil pour lui permettre d’exercer les attributions que lui confère la présente loi, sous réserve des modalités que le ministre y attache.

[S.Y. 2002, c. 61, s. 115]

116 Commissions scolaires

(1) La commission scolaire :

a) sous réserve des autres dispositions de la présente loi et des conventions collectives applicables, choisit le personnel, notamment les directeurs d’école et les enseignants, chargé du
(b) review, modify if necessary, and approve the school plan prepared by the school administration for each school operated by it;

(c) provide educational programs, including locally developed courses, for its students as required by this Act;

(d) establish policies for the administration, management and operation of its schools, including a student attendance policy;

(e) receive by grant or contribution any funds that are approved by the Minister;

(f) maintain, repair, furnish and keep in good order all of its real and personal property;

(g) provide suitable and necessary equipment and supplies for schools operated by it, including locally approved instructional materials;

(h) in consultation with the director, school administration and teachers, establish a procedure for resolving disputes between its schools, parents and teachers;

(i) ensure that its schools are conducted in accordance with the requirements of this Act;

(j) evaluate in accordance with guidelines, standards and procedures established by the Minister at least once every five years each of the schools operated by it and provide a copy of the evaluation to the Minister;

(k) keep a complete and accurate report of its meetings and provide a copy to the Minister within 30 days of each meeting;

(l) make any banking arrangements necessary for the carrying out of its duties and powers;

(m) keep a complete and accurate record of financial transactions in a form prescribed by the Minister;

recrutement, du renvoi, de la discipline, de la mutation, de la promotion et de la rétrogradation;

b) révise, modifie si nécessaire et approuve le plan d'école que prépare l'administration scolaire pour chaque école qui relève de son autorité;

c) offre à ses élèves, en conformité avec la présente loi, des programmes d'études, lesquels peuvent comporter des cours mis sur pied localement;

d) établit des principes directeurs applicables à l'administration, à la gestion et au fonctionnement de ses écoles, notamment des principes directeurs en matière d'assiduité des élèves;

e) reçoit, par voie de subvention ou de contribution, les fonds qu'approuve le ministre;

f) entretient, répare, meuble et tient en bon état tous ses biens réels et personnels;

g) fournit l'équipement et les fournitures nécessaires et suffisants aux écoles qui relèvent de son autorité, notamment le matériel pédagogique approuvé localement;

h) en consultation avec le directeur, l'administration scolaire et les enseignants, fixe la procédure applicable à la résolution des différends entre ses écoles, les parents et les enseignants;

i) veille à ce que ses écoles soient gérées en conformité avec la présente loi;

j) évalue chacune des écoles qui relèvent de son autorité, au moins une fois tous les cinq ans, en conformité avec les lignes directrices, les normes et la procédure déterminées par le ministre et remet une copie de l'évaluation au ministre;

k) tient un procès-verbal complet et précis de ses réunions et en fait parvenir copie au ministre dans les 30 jours de chaque réunion;

l) prend les arrangements bancaires nécessaires à l'exercice de ses attributions;

m) tient un relevé complet et précis de toutes ses opérations financières en la forme prescrite par le ministre;
(n) approve or cause to be approved for payment all accounts payable by the School Board;

(o) procure a corporate seal;

(p) if requested by the parents, establish a parent advisory group for every school operated by it when it operates more than one school and make rules for the election and operation of the groups;

(q) prepare reports, provide information and perform any duties that may be required under this Act, its regulations and guidelines, or by the Minister;

(r) arrange for the examination and investigation of:
   (i) student progress,
   (ii) order among and discipline of students,
   (iii) the system of instruction,
   (iv) the mode of keeping school records, and
   (v) conditions of buildings and premises;

(s) keep in force any policy or policies of insurance required by the Minister or, with the approval of the Minister, participate in alternative insurance schemes that insure the amounts and against the risks prescribed by the Minister;

(t) develop and maintain policies for the purchase of goods and services and for undertaking capital works.

(2) A School Board may

(a) advise the Minister respecting
   (i) school closures, and
   (ii) transportation services;

(b) establish committees and specify powers and duties for the committees;

(c) purchase or rent school premises or staff residences;

(d) direct the director to evaluate a teacher, principal or other staff member and provide a report to the School Board on the evaluation, which report shall be returned to the director immediately after the School Board has reviewed and considered it;

(e) direct a principal to evaluate a teacher and provide a report to the School Board on the evaluation, which report shall be returned to the
director immediately after the School Board has reviewed and considered it;

(f) acquire real and personal property by way of purchase, bequest or lease;

(g) provide for professional development of teachers;

(h) approve curricular and extra-curricular field trips of more than one day’s duration; and

(i) approve the allocation of school days for extra-curricular activities.

[S.Y. 2002, c. 61, s. 116]

117 Agreements

117 Accords

(1) A Council may make an agreement with the Government of the Yukon for the provision and undertaking of any capital, maintenance, or other project with respect to a school in the Council’s attendance area.

(2) When there is a transfer of a school to a School Board, the School Board may make an agreement with a municipality or other government agency for the joint use of recreation, school, and community facilities.

[S.Y. 2002, c. 61, s. 117]

118 Other agreements

118 Autres accords

(1) A School Board, with the approval of the Minister, may make agreements with the Government of Canada, a Yukon First Nation, any agency of the Government of Canada, the government or agent of any other jurisdiction, another School Board, or with a department or agency of the Government of the Yukon respecting the provision or joint provision and operation of educational and other ancillary services, including transportation and the operation of school residences.

(2) The Minister shall issue policies and guidelines for the joint provision or operation of educational and other ancillary services by School Boards.

[S.Y. 2002, c. 61, s. 118]
119 Remuneration
Members of school committees and Councils and trustees of School Boards shall receive the fees, remuneration, reimbursement for expenses and allowances prescribed by the Commissioner in Executive Council.

[S.Y. 2002, c. 61, s. 119]

120 Obligation to consider
(1) Each School Board and Council shall consider any advice provided to it by the school administration and staff of each school in its education area or attendance area.

(2) A School Board shall consider any advice provided to it by any parent advisory group established by it.

[S.Y. 2002, c. 61, s. 120]

121 Association
School Boards and Councils may form and become members of an association of School Boards and Councils and may make grants or payments to the association.

[S.Y. 2002, c. 61, s. 121]

122 Non-Disclosure
(1) No trustee of a School Board or member of a Council who has access to employee personnel information shall knowingly disclose to any person information from the personnel file unless the disclosure is in respect of a proceeding referred to in this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding $1,000.

[S.Y. 2002, c. 61, s. 122]

123 Resignations
(1) A trustee of a School Board or a member of a Council may resign by submitting a written resignation to the secretary-treasurer of the School Board or Council and shall cease to hold office at the meeting of the School Board or Council at which the resignation is received.

[S.Y. 2002, c. 61, s. 123]

119 Rémunération
Les membres des comités d’école et des conseils et les commissaires reçoivent les honoraires, la rémunération, les indemnités et les allocations que fixe le commissaire en conseil exécutif.

[L.Y. 2002, ch. 61, art. 119]

120 Obligation
(1) Les commissions scolaires et les conseils sont tenus de prendre en compte les avis que leur fournit l’administration scolaire et le personnel de chaque école située dans leur district scolaire ou leur zone de fréquentation.

(2) Les commissions scolaires sont tenues de prendre en compte tous les avis que leur donnent les groupes consultatifs des parents qu’elles ont constitués.

[L.Y. 2002, ch. 61, art. 120]

121 Association
Les commissions scolaires et les conseils peuvent constituer des associations de commissions scolaires et de conseils, en faire partie et leur verser des subventions ou des fonds.

[L.Y. 2002, ch. 61, art. 121]

122 Protection des renseignements
(1) Il est interdit aux commissaires ou aux membres d’un conseil qui ont accès aux dossiers personnels des employés d’en communiquer sciemment la teneur à une autre personne, sauf si la communication est liée à une procédure visée par la présente loi.

(2) Commet une infraction et est passible d’une amende maximale de 1 000 $ la personne qui contrevient au paragraphe (1).

[L.Y. 2002, ch. 61, art. 122]

123 Démissions
(1) Un commissaire ou un membre peut démissionner par remise de sa lettre de démission au secrétaire-trésorier de la commission scolaire ou du conseil; il cesse d’exercer ses fonctions lors de la réunion de la commission scolaire ou du conseil où sa démission est reçue.
(2) If all trustees of a School Board or members of a Council wish to resign at the same time, they may do so by transmitting to the Minister a notice in writing to that effect and their resignations are effective on the date on which their successors are elected or appointed.

124 Director

(1) Each School Board shall select for appointment a director of education who shall be the chief executive officer for the School Board and shall establish terms and conditions of employment for the director.

(2) A director shall be an employee of the Government of the Yukon.

(3) A director shall possess a valid and subsisting teaching certificate issued in accordance with the regulations.

(4) The duties to be performed by the director shall be prescribed by the School Board and shall include the following duties

(a) preparing and forwarding to the department those reports and returns as may from time to time be required;

(b) general supervision and evaluation of schools, principals, teachers and other staff within the jurisdiction of the School Board;

(c) provision of professional services consistent with the highest quality education;

(d) establishment of satisfactory relationships between students, parents and the community;

(e) attendance at meetings of the School Board;

(f) ensuring that the school or schools operated by the School Board are conducted in accordance with the requirements of this Act; and

(g) reporting any non-compliance with this Act to the School Board and the Minister.

[S.Y. 2002, c. 61, s. 124]

(2) Tous les commissaires d'une même commission scolaire ou les membres d'un même conseil qui désirent démissionner en même temps peuvent le faire en transmettant au ministre un avis écrit à cet effet; leur démission prend effet à la date à laquelle leurs successeurs sont élus ou nommés.

124 Directeur

(1) Chaque commission scolaire choisit en vue de sa nomination un directeur de l'éducation qui est le premier dirigeant de la commission scolaire; elle fixe ses modalités et ses conditions d’emploi.

(2) Le directeur est un employé du gouvernement du Yukon.

(3) Le directeur est titulaire d’un certificat d’enseignement en cours de validité délivré en conformité avec les règlements.

(4) Les fonctions du directeur sont fixées par la commission scolaire; elles comprennent notamment les tâches suivantes :

(a) préparer et transmettre au ministère les rapports nécessaires;

(b) exercer la surveillance générale des écoles, des directeurs d’école, des enseignants et du personnel qui relèvent de la commission scolaire, et voir à leur évaluation;

(c) assurer la prestation de services professionnels conformes aux plus hautes normes pédagogiques;

(d) entretenir de bonnes relations avec les élèves, les parents et la collectivité;

(e) assister aux réunions de la commission scolaire;

(f) veiller à ce que le fonctionnement des écoles qui relèvent de la commission scolaire soit conforme à la présente loi;

(g) faire rapport à la commission scolaire et au ministre de toute inobservation de la présente loi.

[S.Y. 2002, c. 61, s. 124]
125  Principal as director
A person may be simultaneously a principal and director for a School Board.

[S.Y. 2002, c. 61, s. 125]

126  Superintendent of schools
(1) Every Council and every school committee shall have assigned to it by the Minister a superintendent of schools who shall perform the duties of a director for the schools in the attendance area of the Council or of the school committee.

(2) Any reference in this Act to a director shall be deemed to include a reference to a superintendent of schools.

(3) The superintendent of schools who is assigned to a Council or school committee shall attend meetings of the Council or school committee as necessary.

(4) A person may be the superintendent of schools for more than one Council or school committee.

[S.Y. 2002, c. 61, s. 126]

127  Secretary-treasurer
(1) Each School Board and each Council shall appoint a secretary-treasurer who shall perform those duties prescribed by the regulations.

(2) Each School Board shall arrange for the bonding of the secretary-treasurer in an amount set by the Minister.

(3) The secretary-treasurer of a School Board shall report to the director.

[S.Y. 2002, c. 61, s. 127]

128  Member as secretary-treasurer
(1) A person who is appointed secretary-treasurer of a School Board may not be a trustee for that School Board.

(2) A person who is appointed secretary-treasurer of a Council may be a member of the Council in which the person is the secretary-treasurer.

[S.Y. 2002, c. 61, s. 128]
129 Relationship to Government of the Yukon

School Boards created under this Act are not institutions of the Government of the Yukon and, except to the extent an agency relationship is created by a contract with the Government or by Part 9 of this Act, a School Board is not an agent of the Government.

[S.Y. 2002, c. 61, s. 129]

130 Disposal of property

(1) A School Board may not sell, lease, or otherwise dispose of any real property or any interest in it except with the approval of the Minister and in accordance with the regulations.

(2) A School Board may not sell, lease, or otherwise dispose of any personal property with more than $5,000 in interest in it except with the approval of the Minister and in accordance with the regulations.

[S.Y. 2002, c. 61, s. 130]

131 Records

The Archives Act applies to records of a School Board and Council in the same way as that Act would apply if the School Board or Council were a department of the Government of the Yukon.

[S.Y. 2002, c. 61, s. 131]

DIVISION 4

MEETINGS AND OPERATION

132 Oath of office

(1) Every member of a Council shall take and subscribe to the following oath before beginning their duties:

“I, ____________, do hereby accept the office of member of a School Council for the attendance area to which I have been elected and I will, to the best of my ability, honestly and fairly discharge the duties and responsibilities devolving on me as an elected school member.”

(2) Every trustee of a School Board shall take and subscribe to the following oath before beginning their duties:

“Je, ____________, accepte la charge de membre du conseil de la zone de fréquentation à l’égard de laquelle j’ai été élu et jure d’exercer les attributions qui me sont conférées à titre de membre élu du conseil dans toute la mesure de ma compétence, avec honnêteté et équité.”

[S.Y. 2002, c. 61, s. 132]
“I, ____________, do hereby accept the office of trustee of a School Board for the education area to which I have been elected and I will, to the best of my ability, honestly and fairly discharge the duties and responsibilities devolving on me as an elected trustee.”

(3) The oath of office may be administered by a notary public, a peace officer or a judge of any court.

[2010, c. 61, s. 132]

133 Oath of non-disclosure

Every trustee of a School Board and every member of a Council shall swear an oath of non-disclosure of student and personnel records in the prescribed form.

[2010, c. 61, s. 133]

134 Organizational meeting

(1) Every School Board and Council shall hold an organizational meeting annually at a time and place to be set by the director of the School Board or superintendent of the Council.

(2) The director or superintendent shall give notice of the organizational meeting to each trustee or member in the same manner as for a special meeting.

[2010, c. 61, s. 134]

135 Chair

(1) At the organizational meeting and thereafter as determined by the School Board or Council, the School Board or Council shall elect from its membership a person to be the chair to hold office at the pleasure of the School Board or Council.

(2) If the chair is unable to act because of illness or other cause, the members or trustees shall choose one of their number to exercise the powers and functions of the chair.

[2010, c. 61, s. 135]

136 Resignation of chair

The chair of a School Board or Council may resign from the position as chair at any time while remaining as a trustee of a School Board or member of a Council.

[2010, c. 61, s. 136]

133 Serment de confidentialité

Les commissaires et les membres d’un conseil prêtent le serment réglementaire de ne pas révéler le contenu des dossiers du personnel ni de ceux des élèves.

[2010, ch. 61, art. 133]

134 Réunion d’organisation

(1) Les commissions scolaires et les conseils tiennent une réunion d’organisation par année aux date, heure et lieu fixés par le directeur de la commission scolaire ou le surintendant du conseil.

(2) Le directeur ou le surintendant donne avis de la réunion d’organisation à chaque commissaire ou membre comme s’il s’agissait d’une réunion extraordinaire.

[2010, ch. 61, art. 134]

135 Président

(1) Lors de la réunion d’organisation, et par la suite selon ce qu’il ou elle détermine, la commission scolaire ou le conseil élit son président parmi ses membres; celui-ci exerce sa charge à titre amovible.

(2) En cas d’empêchement du président, notamment pour cause de maladie, les membres ou les commissaires choisissent l’un des leurs pour assurer l’intérim.

[2010, ch. 61, art. 135]

136 Démission du président

Le président d’une commission scolaire ou d’un conseil peut démissionner à tout moment, tout en demeurant commissaire ou membre du conseil, selon le cas.

[2010, ch. 61, art. 136]
137 Meetings

(1) A School Board shall hold not less than six meetings during a school year.

(2) A Council shall hold not less than four meetings during a school year.

[S.Y. 2002, c. 61, s. 137]

138 Rules of procedure

Every School Board and Council may make rules for its internal procedure and its meetings.

[S.Y. 2002, c. 61, s. 138]

139 Regular meetings

(1) Every School Board and Council shall establish by resolution its regular meetings and shall specify in the resolution the date, time and place of the regular meetings.

(2) No notice is required to be given to trustees of School Boards or members of Councils of regular meetings.

[S.Y. 2002, c. 61, s. 139]

140 Special meetings

(1) A special meeting of a School Board or Council may be called by its chair or a majority of its membership by giving seven days notice of the date, time, place and nature of business for the special meeting to each trustee or member.

(2) Despite subsection (1), the trustees of a School Board or members of a Council may make rules concerning how notice of meetings is to be given and, by unanimous consent, may waive the notice requirements and hold a special meeting at any time.

[S.Y. 2002, c. 61, s. 140]

141 Quorum

(1) A majority of a School Board or Council constitutes a quorum.

(2) An act or proceeding of a School Board or Council is not valid or binding unless it is authorized or adopted at
a meeting of the School Board or Council at which a quorum is present.

(3) Vacancy in the membership of a School Board or Council does not impair the capacity of the remaining members or trustees to act.

[S.Y. 2002, c. 61, s. 141]

142 Required votes
At a meeting of a School Board or Council

(a) each question shall be decided by a majority of votes of those members or trustees present;

(b) in the case of a tie, the vote of the chair shall be the determining vote;

(c) a vote on a question shall be taken by open vote; and

(d) a resolution shall be submitted by the chair or a trustee or member and no seconder is required.

[S.Y. 2002, c. 61, s. 142]

143 Exercise of powers

(1) Unless expressly required to be exercised by bylaw, all powers of a School Board may be exercised either by bylaw or resolution.

(2) All powers of a Council shall be exercised by resolution.

[S.Y. 2002, c. 61, s. 143]

144 Bylaws

(1) Subject to this Act, a School Board shall, by bylaw, provide for the procedure to be followed in passing bylaws.

(2) Every bylaw shall have two distinct and separate readings before it is finally adopted, but no more than one reading may take place at any one meeting.

[S.Y. 2002, c. 61, s. 144]
(3) Every bylaw shall be in writing under the seal of the School Board and shall be signed by the person presiding at the meeting at which the bylaw is adopted and by the secretary-treasurer.

[S.Y. 2002, c. 61, s. 144]

145 Open meetings

Meetings of a School Board or Council shall be held in public and no person shall be excluded except for improper conduct.

[S.Y. 2002, c. 61, s. 145]

146 Closed meetings

(1) Despite section 145, when a majority of trustees of a School Board or members of a Council at a meeting are of the opinion that it is in the public interest to hold a meeting or a part of a meeting in private for the purpose of considering any matter, the School Board or Council may by resolution exclude any person or persons from the meeting.

(2) When a meeting is held in private no bylaw and no resolution may be passed except the resolution necessary to revert to an open meeting.

[S.Y. 2002, c. 61, s. 146]

147 Exclusion from meetings

(1) The chair of a School Board or Council may cause to be excluded from a meeting any person who, in the opinion of the chair, is guilty of improper conduct at that meeting.

(2) The decision of the chair to exclude a person from a meeting may, by resolution of the School Board or Council, be overruled.

[S.Y. 2002, c. 61, s. 147]

148 Annual meeting

(1) An annual meeting of the electors of an education area or attendance area shall be held by each School Board, Council, and school committee during the month of September in each year.

(2) The School Board, Council or school committee shall, at least 14 days before the annual meeting, post notices giving the day, place, and hour of the meeting in at least

[S.Y. 2002, c. 61, s. 148]
four conspicuous places in the education area or attendance area.

(3) The Chair or designate of the School Board, Council or school committee shall chair the annual meeting unless the electors at the meeting elect another person to chair the annual meeting.

(4) The business of the annual meeting shall be conducted in the following form

(a) the election of a chair for the meeting if the electors at the annual meeting so choose;

(b) the reading and adoption of minutes of the last annual meeting;

(c) a written and oral report from the School Board and a written or oral report from the Council or school committee on the educational activities during the preceding 12 months;

(d) a written or oral report from the director or superintendent;

(e) a review of the audited financial statement if the annual meeting is called by a School Board;

(f) business arising from the meeting; and

(g) any other business determined by a trustee of a School Board or a member of a Council or school committee.

(5) The secretary-treasurer shall record the proceedings of the annual meeting and shall provide a copy to the Minister within 30 days of the meeting.

[S.Y. 2002, c. 61, s. 148]

149 Special meeting of electors

(1) A School Board or Council may at any time call a special meeting of electors.

(2) The School Board or Council shall

(a) state the purpose of the special meeting;

(b) give at least 14 days notice of the special meeting; and

(3) The Chair or designate of the commission scolaire, du conseil ou du comité d’école préside l’assemblée annuelle, sauf si les électeurs présents à l’assemblée choisissent une autre personne pour assumer la présidence.

(4) L’ordre du jour de l’assemblée annuelle suit la procédure suivante :

(a) élection du président de l’assemblée, si les électeurs présents le désirent;

(b) lecture et adoption du procès-verbal de la dernière assemblée annuelle;

(c) rapport écrit et verbal de la commission scolaire, du conseil ou du comité d’école sur les activités éducatives des 12 mois qui précèdent;

(d) rapport écrit ou verbal du directeur ou du surintendant;

(e) examen des états financiers vérifiés, si l’assemblée annuelle est convoquée par une commission scolaire;

(f) questions soulevées lors de l’assemblée;

(g) toute autre question proposée par un commissaire, un membre du conseil ou un membre du comité d’école.


[L.Y. 2002, ch. 61, art. 148]
(c) post notices giving the day, place and hour of the meeting in at least four conspicuous places in the education area or attendance area.

[S.Y. 2002, c. 61, s. 149]

150 Regulations Act

Neither a bylaw nor a resolution passed by a School Board or a Council is a regulation within the meaning of the Regulations Act.

[S.Y. 2002, c. 61, s. 150]

DIVISION 5

CONFLICT OF INTEREST

151 Disqualification

(1) A person is no longer qualified to be a trustee of a School Board or member of a Council who

(a) is absent from three or more consecutive regular meetings of the School Board or Council without the authorization of the School Board or Council;

(b) ceases to be an elector of the education area or attendance area for which the person is a trustee or member;

(c) uses information gained through the position as a trustee of a School Board or member of a Council to gain a pecuniary benefit;

(d) is a judge of a court other than a justice of the peace court or a youth court; or

(e) is employed in a school operated by the School Board or Council for which the person is a trustee or member.

(2) Paragraph (1)(e) does not apply to a secretary-treasurer of a Council.

(3) Trustees or members who are no longer qualified to be members or trustees pursuant to subsection (1) shall be deemed to have forfeited their seat on the School Board or Council.

[S.Y. 2002, c. 61, s. 151]

150 Loi sur les règlements

Les règlements administratifs pris et les résolutions adoptées par les commissions scolaires et les conseils ne sont pas des règlements au sens de la Loi sur les règlements.

[L.Y. 2002, ch. 61, art. 150]
152 Voting

(1) When a trustee of a School Board or a member of a Council has a pecuniary interest in a matter before the School Board or Council, the trustee or member shall, if present at the meeting

(a) disclose the pecuniary interest before any discussion of the matter;

(b) abstain from voting on any question relating to the matter;

(c) abstain from discussing the matter; and

(d) leave the room in which the meeting is being held until the discussion and voting on the matter are concluded.

(2) Trustees or members who are in contravention of subsection (1) are no longer qualified to be members or trustees and shall be deemed to have forfeited their seats.

[S.Y. 2002, c. 61, s. 152]

153 Application to court

Any person may apply to a judge for a declaration determining whether or not a trustee or member is qualified to remain as a trustee or member.

[S.Y. 2002, c. 61, s. 153]

154 Hearing of application

On hearing an application, a judge may make an order

(a) declaring the person to be qualified as a trustee or member; and

(b) requiring the repayment to the reinstated person of any fees, remuneration or reimbursement of expenses that were not paid during the period of disqualification; or

(c) declaring the person to be disqualified from remaining as a trustee or member and the seat on the School Board or Council to be vacant.

[S.Y. 2002, c. 61, s. 154]
155 Inadvertence or error

If a judge hears an application and finds that the person is disqualified, the judge may, nevertheless, declare the person to be qualified to be a trustee or member if the judge is of the opinion that the disqualification arose inadvertently because of a bona fide error of judgment.  

[S.Y. 2002, c. 61, s. 155]

155 Méprise ou erreur

Le juge qui conclut à l’inadmissibilité peut néanmoins déclarer que la personne visée est admissible à l’exercice des fonctions de commissaire ou de membre s’il est d’avis que l’inadmissibilité résulte d’une méprise ou d’une erreur de jugement commise de bonne foi.  

[L.Y. 2002, ch. 61, art. 155]

PART 8

APPEALS

156 Local appeals

(1) If a decision of a person employed in a school significantly affects the education, health or safety of a student, then the parent of the student, a responsible adult chosen by the student, or the student if that student is 16 years of age or older may, within 30 days from the date the parent or student was informed of the decision, appeal the decision to the superintendent or, if there is a School Board or Council, through the procedure established pursuant to paragraphs 113(1)(d) and 116(1)(h).

(2) The failure to make a decision is a decision for the purposes of this section.

(3) A decision on the appeal shall be made as soon as practicable but not until the parents, students and affected persons have had an opportunity to be heard.

(4) An appeal under this section is an administrative proceeding, not a quasi-judicial or judicial proceeding.

(5) This section does not apply to matters that may be appealed to the Education Appeal Tribunal pursuant to the provisions of this Act.  

[S.Y. 2002, c. 61, s. 156]

157 Education Appeal Tribunal

(1) The Education Appeal Tribunal is established to hear appeals made pursuant to subsections 17(1), 20(7), 41(7) and 43(5).

(2) The Minister shall appoint to the Education Appeal Tribunal a chair, secretary and up to nine other members, for terms specified by the Minister.
(3) The Minister may solicit and consider nominations for the membership of the Education Appeal Tribunal from groups interested in education in the Yukon.

(4) The Minister shall include in the appointments made pursuant to this section a member nominated by the Central Indian Education Authority or, if the Central Indian Education Authority has not been established, by the Council for Yukon First Nations.

(5) The chair and the members of the Education Appeal Tribunal shall swear an oath of non-disclosure in the prescribed form for information gained during an appeal in accordance with this Part.

[S.Y. 2015, c. 9, s. 4] [S.Y. 2002, c. 61, s. 157]

158 Composition

(1) An appeal referred to the Education Appeal Tribunal shall be heard by the chair and two or more members chosen by the chair.

(2) If possible, the qualifications of the members of the Education Appeal Tribunal shall be appropriate to the matter under consideration by the Tribunal.

(3) The chair may call on any experts or consultants considered advisable to report to the Education Appeal Tribunal.

[S.Y. 2002, c. 61, s. 158]

159 Mediation

Before the consideration of an appeal by the Education Appeal Tribunal, the chair may appoint a mediator to attempt to settle the matter under appeal.

[S.Y. 2002, c. 61, s. 159]

160 Procedure

(1) In considering the matter being appealed, the Education Appeal Tribunal may make any investigation it considers necessary.

(2) The Education Appeal Tribunal shall set the time, place and date for a hearing of the appeal and shall notify the parties to the appeal of the time, place and date of the hearing.

[S.Y. 2002, c. 61, s. 159]
(3) No decision shall be made by the Education Appeal Tribunal without giving the parties to the appeal an opportunity to make representations.

(4) Each party to the appeal shall pay their own costs unless the Education Appeal Tribunal orders that the costs be paid out of funds approved for the budget of the Education Appeal Tribunal.

(5) Appeals to the Education Appeal Tribunal may be heard in any place or community.

[S.Y. 2002, c. 61, s. 160]

161   Powers of the Education Appeal Tribunal

The Education Appeal Tribunal, in deciding a matter being appealed, may make an order doing one or more of the following

(a) confirming or varying the decision that is under appeal;

(b) identifying a student as a student with special educational needs;

(c) directing a School Board or the deputy minister to implement an Individualized Education Plan in a particular environment including, but not limited to, a regular class;

(d) directing a School Board or the deputy minister to enroll a student in a school named by the Education Appeal Tribunal;

(e) determining that an Individualized Education Plan be prepared for a student;

(f) apportioning the cost of providing the services required for an Individualized Education Plan to a School Board, the department, or any other department of the Government of the Yukon;

(g) directing a determination to be made in accordance with section 16;

(h) defining the contents of a student record when the appeal under consideration is pursuant to section 20;

(i) reinstating to school a student who has been placed on an indefinite suspension by a School Board, Council or superintendent pursuant to section 41; and

[S.Y. 2002, c. 61, s. 160]

161   Pouvoirs du Tribunal d'appel de l'éducation

Le Tribunal d'appel de l'éducation peut, à l'égard d'une question objet d'un appel, rendre une ordonnance sur l'un ou plusieurs des points suivants :

a) confirmant ou modifiant la décision dont appel;

b) désignant un élève à titre d'élève en difficulté d'apprentissage;

c) obligeant la commission scolaire ou le sous-ministre à mettre en œuvre un plan d'études individualisé dans un milieu déterminé, notamment dans une classe régulière;

d) obligeant la commission scolaire ou le sous-ministre à inscrire un élève à une école désignée par le Tribunal d'appel de l'éducation;

e) exigeant l'établissement d'un plan d'études individualisé à l'égard d'un élève;

f) répartissant les frais qui découlent du plan d'études individualisé entre la commission scolaire, le ministère ou tout autre ministère du gouvernement du Yukon;

g) exigeant une détermination en conformité avec l'article 16;

h) déterminant le contenu du dossier scolaire d'un élève, lorsque l'appel a été interjeté en vertu de l'article 20;

i) réinscrivant à l'école un élève suspendu pour une période indéterminée par une commission scolaire, un conseil ou le surintendant en vertu de l'article 41;
(j) approving a proposal for a locally developed course if the appeal is pursuant to subsection 43(3).

[S.Y. 2002, c. 61, s. 161]

162 Matters to be considered

In the determination of an appeal, the Education Appeal Tribunal shall consider

(a) the educational interests of the student who is the subject of the appeal;
(b) the impact of a decision on the total population of students served; and
(c) any other factor that appears to be relevant to the matter in dispute.

[S.Y. 2002, c. 61, s. 162]

163 Final decision

The decision of the Education Appeal Tribunal shall be final and binds the parties to any such decision.

[S.Y. 2002, c. 61, s. 163]

164 Enforcement of order

(1) A copy of an order made by the Education Appeal Tribunal shall be filed with the clerk of the Supreme Court.

(2) On the filing of a copy of an order with the clerk of the Supreme Court, the order has the same force and effect as if the order were an order of that Court.

[S.Y. 2002, c. 61, s. 164]

165 Copy to the Minister

A copy of each decision of the Education Appeal Tribunal shall be sent to the Minister.

[S.Y. 2002, c. 61, s. 165]

j) approuvant un projet de cours mis sur pied localement, dans le cas d’un appel interjeté en vertu du paragraphe 43(3).

[L.Y. 2002, ch. 61, art. 161]

162 Facteurs à considérer

Le Tribunal d’appel de l’éducation prend en compte les facteurs suivants :

(a) les besoins en éducation de l’élève visé par l’appel;
(b) les conséquences de sa décision sur l’ensemble de la population scolaire;
c) tout autre facteur qu’il estime pertinent quant à la question objet du différend.

[S.Y. 2002, c. 61, s. 162]

163 Décision définitive

La décision du Tribunal d’appel de l’éducation est définitive et lie les parties.

[L.Y. 2002, ch. 61, art. 162]

164 Exécution

(1) Une copie de l’ordonnance du Tribunal d’appel de l’éducation est déposée auprès du greffier de la Cour suprême.

(2) Sur dépôt de la copie de l’ordonnance, celle-ci a la même valeur que si elle avait été rendue par la Cour suprême.

[L.Y. 2002, ch. 61, art. 164]

165 Copie au ministre

Copie de chaque décision du Tribunal d’appel de l’éducation est envoyée au ministre.

[L.Y. 2002, ch. 61, art. 165]
PART 9
TEACHERS

166 Teacher qualifications

No person shall be employed as a teacher unless that person holds a valid teaching certificate or a letter of permission as a teacher issued in accordance with the regulations.

[S.Y. 2002, c. 61, s. 166]

167 Rights of teachers

Every teacher has the right to be treated in a fair and reasonable manner free from physical and other abuse.

[S.Y. 2002, c. 61, s. 167]

168 Duties of teachers

Every teacher shall

(a) encourage students in the pursuit of learning and teach them diligently and faithfully;

(b) teach courses of study that are prescribed, approved or authorized pursuant to this Act;

(c) report on the progress, behaviour and attendance of students to their parents;

(d) under the direction of the principal, maintain order and discipline among students while they are in school, on school grounds, or attending or participating in activities sponsored or approved for the school not inconsistent with this Act or a collective agreement;

(e) review with students their assessments and progress and advise students of the expectations for them;

(f) maintain whatever registers, records or other forms as may be required by the principal, director, superintendent or this Act and make those registers, records or other forms available for inspection by the superintendent or director or by any person authorized by the superintendent or director;

(g) observe the rules of the school;

PARTIE 9
ENSEIGNANTS

166 Compétence professionnelle

Il est interdit d’engager à titre d’enseignant une personne qui n’est pas titulaire d’un certificat d’enseignement en cours de validité ou d’une permission écrite d’exercer les fonctions d’enseignant délivré en conformité avec les règlements.

[L.Y. 2002, ch. 61, art. 166]

167 Droits des enseignants

Tous les enseignants ont le droit d’être traités de façon juste et raisonnable, à l’abri de tous mauvais traitements physiques ou autres.

[L.Y. 2002, ch. 61, art. 167]

168 Obligations des enseignants

Chaque enseignant :

a) encourage les élèves à apprendre et enseigne avec application et fidélité;

b) enseigne les cours prévus, approuvés ou autorisés en conformité avec la présente loi;

c) fait rapport aux parents des progrès, de la conduite et de l’assiduité des élèves;

d) sous l’autorité du directeur d’école, maintient l’ordre et la discipline parmi les élèves pendant qu’ils sont à l’école, sur les terrains de l’école ou qu’ils participent à des activités organisées ou approuvées par l’école et non incompatibles avec la présente loi ou une convention collective;

e) examine avec les élèves les résultats de leur évaluation et de leurs progrès et les conseille sur les résultats à atteindre;

f) tient tous les registres, dossiers ou autres formulaires qu’exige le directeur d’école, le directeur, le surintendant ou la présente loi et en permet l’accès aux fins d’inspection au surintendant, au directeur ou à toute autre personne que ceux-ci autorisent;

(g) observe le règlement de l’école;
(h) on reasonable notice from the principal, admit a parent of a student to the classroom for the purpose of observing;

(i) report promptly to the principal an apparent outbreak of any contagious or infectious diseases in the school, any unsanitary condition of the school building or surroundings and any other conditions or circumstances that may reasonably threaten the health or safety of students or other employees of the school;

(j) notify the principal of any absence by the teacher from school and the reason for the absence;

(k) on the direction of the director or superintendent, and with the approval of the teacher, co-operate with student teachers and their instructors in the classroom for the purpose of observing and practice teaching, and render assistance to the student teachers and submit reports on the teaching ability of the student teachers;

(l) have the right to participate in the preparation of the school plan;

(m) perform assigned duties as outlined in the school emergency plan developed by the school administration and the teachers to protect the health and safety of students;

(n) report to the principal and to the proper government official responsible for child welfare that a child is in need of protective intervention when there is reason to believe that the child is in need of protective intervention within the meaning of the Child and Family Services Act; and

(o) perform those teaching and other duties that may be reasonably required by the principal and not inconsistent with this Act or any collective agreement that may apply.

[S.Y. 2008, c. 1, s. 201] [S.Y. 2002, c. 61, s. 168]
(a) be the chief educational officer of the school;
(b) promote satisfactory relationships with parents and the community served by the school;
(c) develop and implement procedures for parental and community involvement in the school and promote cooperation between the school and the community it serves;
(d) subject to policy and regulations, maintain order and discipline in the school, on the school grounds, and during activities sponsored or approved for the school;
(e) supervise and direct teachers and other staff assigned or rendering services to the school including volunteers;
(f) direct the management, administration and operation of the school;
(g) maintain any records and complete any returns and forms required pursuant to this Act and the regulations;
(h) assign teaching duties to teachers in the school;
(i) perform teaching duties as may be required;
(j) encourage community use of school facilities;
(k) be responsible for ensuring the proper maintenance and care of school property;
(l) requisition necessary materials, supplies and equipment for the school and arrange for their distribution;
(m) attend meetings of the School Board, Council or school committee for the school when requested by it to do so;
(n) report promptly to the director or superintendent and to the medical officer of health an apparent outbreak of any contagious or infectious disease in the school, any unsanitary condition in the school building or surroundings and any other dangerous or unsafe condition in the school;
(o) report to the director or superintendent and to the proper government official responsible for child welfare that a child is in need of protective services.
intervention when there is reason to believe that the child is in need of protective intervention within the meaning of the Child and Family Services Act;

(p) prepare the school's operations and maintenance budget for review and approval by the School Board or Council;

(q) be responsible for the implementation of the school plan and the operations and maintenance budget;

(r) keep parents informed of the progress and development of students;

(s) ensure that instruction in the school is consistent with the courses of study prescribed pursuant to this Act;

(t) include in the activities of the school, cultural heritage traditions and practices of members of the community served by the school if the number of members who possess the cultural heritage so warrant;

(u) delegate any of the duties to a vice-principal designated for the school; and

(v) perform other reasonable duties as assigned by the director or superintendent for the school

(w) at the beginning of each school year, the principal must ensure that there are initiatives in the school that promote equality and non-discrimination,

(i) which must include student activities relating to gender, gender identity, gender expression and sexual orientation, and

(ii) which may include, without limitation, student organizations promoting equality and non-discrimination, such as a gender and sexuality alliance.

[S.Y. 2022, c. 10, s. 2][S.Y. 2008, c. 1, s. 201]
[S.Y. 2002, c. 61, s. 169]

170 Employment of staff

(1) The Minister

170 Engagement du personnel

(1) Le ministre
(a) shall appoint a principal for each school and may appoint a principal for more than one school;

(b) may appoint teachers to administrative or supervisory positions, including vice-principals; and

(c) shall employ teachers, teaching assistants and other technical support staff necessary for the proper functioning of the school.

(2) Each School Board shall be empowered to select for appointment employees referred to in subsection (1) that are required by the School Board for any school operated by it and, in relation to those employees, to exercise powers referred to in this Part and when doing so acts as an agent of the Government of the Yukon.

(3) All persons employed in a school that is transferred to a School Board, on the transfer, shall be deemed to have been selected by the School Board in accordance with subsection (2) and shall retain any employment status and benefits that exist on the date of the selection.

(4) Staff in schools operated by School Boards are employees of the Government of the Yukon.

PART 10
FINANCE

171 Financial year
The financial year of a School Board shall be from July 1 to June 30 of the year following.

PARTIE 10
DISPOSITIONS FINANCIÈRES

171 Exercice
L’exercice d’une commission scolaire commence le 1er juillet et se termine le 30 juin.

172 Appointment of auditor

(1) A School Board shall, by bylaw, appoint as auditor one or more persons or a firm of auditors who shall audit the financial transactions and accounts of the School Board in each year before the annual meeting of the School Board.

(2) A copy of the auditor’s report shall be submitted to the Minister and to the School Board for which it was prepared.
Any auditor appointed pursuant to this section must have the qualifications established by regulation.

If a School Board fails or neglects to appoint an auditor or if the auditor fails to complete its audit in accordance with this Act, the Minister may, on giving one month’s notice of intention to do so to the School Board, appoint an auditor or firm of auditors for the School Board.

[S.Y. 2002, c. 61, s. 172]

173 Duties of the auditor

(1) The auditor shall

(a) audit and report on all books and accounts relating to the affairs of the School Board or relating to any matter under its control or within its jurisdiction;

(b) make any examination that will enable the auditor to report to the Minister and School Board as required;

(c) be given access to all records, documents, instruments, accounts, vouchers and other components of the financial reporting system of the School Board; and

(d) submit a report to the Minister and School Board on or before September 1 on the annual financial statements required by this Act and shall state in the report whether

(i) the examination was made in accordance with generally accepted auditing standards and, accordingly, included any tests and other procedures that the auditor considered necessary in the circumstances, and

(ii) the financial statements present fairly the financial position of the School Board at June 30 and the results of its operations for the year then ended in accordance with this Act and generally accepted accounting principles.

(2) The auditor is entitled to require from trustees and officials of the School Board and from any other person any information or explanation necessary for the performance of the duties of an auditor.
(3) The auditor shall separately report to the Minister and School Board any disbursement, expenditure, liability, or other transaction lacking proper authority under this or any other Act or under any bylaw or resolution passed under it.

(4) The auditor shall report in writing to the Minister and School Board every defalcation or irregularity dealing with the assets, liabilities, accounts, funds and financial obligations of the School Board.

[S.Y. 2002, c. 61, s. 173]

174 Annual operations and maintenance budget for School Board

(1) A School Board shall prepare an annual operations and maintenance budget in a form specified by the Minister and shall submit it within the time prescribed by regulations in each year to the Minister.

(2) The annual operations and maintenance budget shall include budget items for:
   (a) administration;
   (b) regular instruction;
   (c) special instruction;
   (d) plant operation and maintenance;
   (e) special advisory services;
   (f) tuition and other costs for resident students attending an educational program outside the education area of the School Board; and
   (g) any other required expenditure.

(3) The Minister shall:
   (a) review each submitted annual operations and maintenance budget;
   (b) consult with the School Board that submitted the annual operations and maintenance budget; and
   (c) approve an annual operations and maintenance budget for each School Board on or before March 15 of each year subject to the regulations for grants and contributions to School Boards.

[S.Y. 2002, c. 61, s. 174]

174 Budget de fonctionnement et d’entretien

(1) La commission scolaire prépare chaque année son budget de fonctionnement et d’entretien en la forme précisée par le ministre et le lui soumet dans les délais réglementaires.

(2) Le budget de fonctionnement et d’entretien comporte notamment les postes suivants :
   a) administration;
   b) enseignement régulier;
   c) enseignement à l’enfance en difficulté;
   d) fonctionnement et entretien des installations;
   e) services de consultation spéciale;
   f) coûts, notamment les frais de scolarité des élèves résidents qui suivent un programme d’études à l’extérieur du district scolaire de la commission;
   g) toute autre dépense nécessaire.

(3) Le ministre :
   a) étudie chaque budget annuel de fonctionnement et d’entretien qui lui est soumis;
   b) consulte la commission scolaire sur son budget annuel de fonctionnement et d’entretien;
   c) approuve le budget annuel de fonctionnement et d’entretien de chaque commission scolaire au plus tard le 15 mars, sous réserve des règlements portant sur les subventions et contributions aux commissions scolaires.

[L.Y. 2002, ch. 61, art. 174]
175  Expenditures

(1) The annual operations and maintenance budget for a School Board shall be administered and spent under the direction of the School Board.

(2) A School Board may, whenever necessary due to unforeseen circumstances, reallocate funds within the annual operations and maintenance budget.

[S.Y. 2002, c. 61, s. 175]

176  Unauthorized expenditures

If, in the opinion of the Minister, a School Board spends any sum of money in excess of that provided for in the annual operations and maintenance budget, the Minister may deduct the excess from the annual operations and maintenance budget of that School Board for the next or later financial year following the school year in which the excess expenditure occurred.

[S.Y. 2002, c. 61, s. 176]

177  Surplus funds

A School Board may retain from year to year any budgetary surplus from its operations.

[S.Y. 2002, c. 61, s. 177]

178  Funding

The Minister shall provide each School Board with funding sufficient to meet the requirements of its approved annual operations and maintenance budget from money appropriated by the Legislative Assembly.

[S.Y. 2002, c. 61, s. 178]

179  Investments

A School Board or Council may invest in any of the following, but not otherwise

(a) securities that are obligations of or guaranteed by Canada or a province; or

175  Dépenses

(1) Le budget annuel de fonctionnement et d’entretien est exécuté et utilisé sous la direction de la commission scolaire.

(2) La commission scolaire peut, en raison de circonstances imprévues, réaffecter des fonds à l’intérieur de son budget annuel de fonctionnement et d’entretien.

[L.Y. 2002, ch. 61, art. 175]

176  Dépenses non autorisées

S’il est d’avis qu’une commission scolaire a effectué des dépenses qui n’étaient pas prévues dans son budget annuel de fonctionnement et d’entretien, le ministre peut déduire les dépenses non autorisées du budget annuel de fonctionnement et d’entretien d’une année ultérieure.

[L.Y. 2002, ch. 61, art. 176]

177  Excédents

La commission scolaire peut reporter d’une année à l’autre l’excédent de son budget de fonctionnement et d’entretien.

[L.Y. 2002, ch. 61, art. 177]

178  Ressources financières

Le ministre fournit à chaque commission scolaire les ressources financières suffisantes pour lui permettre de mettre en œuvre son budget annuel de fonctionnement et d’entretien approuvé; ces fonds sont prélevés sur les crédits affectés à cette fin par l’Assemblée législative.

[L.Y. 2002, ch. 61, art. 178]

179  Placements

Les commissions scolaires et les conseils ne peuvent effectuer des placements que dans les titres suivants :

a) les obligations émises ou garanties par le Canada ou une province;
180  Financial Administration Act

(1) Sections 49 to 51 and 54 of the Financial Administration Act apply to School Boards in respect of any borrowing or other liability of a School Board that is a public borrowing as defined in subsection 49(1) of that Act.

(2) Except as provided in subsection (1), the Financial Administration Act does not apply to School Boards.

180  Loi sur la gestion des finances publiques

(1) Les articles 49 à 51 et 54 de la Loi sur la gestion des finances publiques s'appliquent aux commissions scolaires relativement aux emprunts ou autres obligations qui constituent des emprunts publics au sens du paragraphe 49(1) de cette loi.

(2) Sauf dans la mesure prévue au paragraphe (1), la Loi sur la gestion des finances publiques ne s'applique pas aux commissions scolaires.

181  Borrowing

Subject to the regulations and the approval of the Minister, a School Board may, by bylaw, borrow from any chartered bank in Canada sums required to meet the necessary expenditures of the School Board and those loans shall be paid out of and become a first charge on grants and contributions payable to the School Board and may be secured by a promissory note given by the chair and secretary-treasurer on behalf of the School Board.

181  Emprunts

Sous réserve des règlements et de l’agrément du ministre, une commission scolaire peut, par règlement administratif, faire des emprunts auprès d’une banque à charte au Canada pour payer ses dépenses nécessaires. Ces emprunts constituent une charge de premier rang et sont payés sur les subventions et contributions qui lui sont versées et peuvent être garantis par un billet à ordre signé par le président et le secrétaire-trésorier pour le compte de la commission scolaire.

182  Capital grants

Subject to appropriations of the Legislative Assembly and conditions that may be prescribed in the regulations, the Minister may make capital grants to a School Board for

(a) the acquisition of school sites or buildings by construction or purchase for use as schools;

(b) the acquisition of capital equipment and materials for the operation or renovation of schools;

182  Subventions en capital

Sous réserve des affectations de crédits par l’Assemblée législative et des conditions réglementaires, le ministre peut verser des subventions en capital à une commission scolaire en vue :

a) de l’acquisition de terrains pour la construction d’écoles, de l’acquisition ou de l’achat de bâtiments pour en faire des écoles;

b) de l’acquisition de matériel et d’équipement nécessaires au fonctionnement ou à la rénovation des écoles;
(c) the acquisition of sites or buildings by construction or purchase and materials and capital equipment for use as a staff's residence; or

(d) any capital facilities for the fulfillment of the objectives of this Act.

[S.Y. 2002, c. 61, s. 182]

183 Consideration of budget for schools

The Minister shall consider the recommendations of each Council in the preparation of the annual operations and maintenance budget for a school that is located in the attendance area of the Council.

[S.Y. 2002, c. 61, s. 183]

184 Discretionary grants

Subject to any conditions that may be prescribed in the regulations, the Minister may provide funding to a School Board or Council for any purpose on any terms and conditions agreed to by the Minister and the School Board or Council.

[S.Y. 2002, c. 61, s. 184]

PART 11
GENERAL
DIVISION 1
REGULATIONS, POLICIES AND GUIDELINES

185 Regulations

The Commissioner in Executive Council may make regulations

(a) authorizing and setting the formula for the Minister to make grants or contributions;

(b) authorizing and setting the payment of remuneration and expenses for persons appointed or elected pursuant to this Act;

(c) respecting anything that may be required to give effect to the French language rights referred to in this Act.

[S.Y. 2002, c. 61, s. 185]
in this Act and required by section 23 of the Canadian Charter of Rights and Freedoms;

(d) governing the transfer of assets between School Boards and the Government of the Yukon;

e) prescribing fees for distance education courses;

(f) respecting the rights of separate schools;

g) governing the categories for salary purposes to be assigned to certificates of qualification issued to teachers and years of teaching experience assessed for teachers;

(h) prescribing tuition fees for non-resident students;

(i) authorizing and prescribing the terms, conditions and amounts for borrowing by a School Board;

(j) prescribing dates and requirements for financial reporting by School Boards in each year;

(k) governing the disposition of property by a School Board;

(l) governing transportation and accommodation, including any fees for the transportation and accommodation;

(m) governing home education;

(n) respecting the duties and bonding for secretary-treasurers who are appointed pursuant to this Act;

(o) concerning the certification of teachers and the cancellation and suspension of certificates;

(p) governing the establishment, administration, and management of private schools;

(q) prescribing the term of appointment for principals;

(r) governing kindergarten programs; and

(s) generally, to give effect to any provision of this Act.

[S.Y. 2002, c. 61, s. 185]  
[L.Y. 2002, ch. 61, art. 185]
186 Policies and guidelines

(1) The Minister may issue policies and guidelines

(a) establishing the duties of persons appointed pursuant to this Act;

(b) governing the establishment, composition, operation, and terms of reference for school dormitory committees;

(c) respecting the form, content, confidentiality, and disposition of student records;

(d) respecting pre-school education programs;

(e) respecting the terms and procedures for school evaluations;

(f) respecting the examination and evaluation of students, including appeals, fees, and the payment of remuneration;

(g) governing the insurance to be acquired by a School Board;

(h) governing eligibility and access to distance education courses;

(i) respecting the procedures and operation of the Education Appeal Tribunal;

(j) respecting the establishment and closure of a school or part of a school;

(k) governing conditions and dates for school plans;

(l) respecting goals and objectives for private schools;

(m) governing the establishment, composition, operation, and terms of reference for any boards, committees, commissions, or other bodies established by the Minister; and

(n) generally, to give effect to any provision of this Act.

(2) Policies and guidelines issued under this section are not regulations within the meaning of the Regulations Act.

[S.Y. 2002, c. 61, s. 186]
DIVISION 2

OFFENCES, LIABILITY AND IMMUNITY

187 Disturbances

(1) No person shall

(a) disturb or interrupt the proceedings of a school; or

(b) disturb or interrupt the proceedings of a meeting of a School Board or Council.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than $500.

[S.Y. 2002, c. 61, s. 187]

188 Penalty for false reports

Every trustee of a School Board who knowingly signs a false report or knowingly makes a false return commits an offence and is liable to a fine not exceeding $1,000.

[S.Y. 2002, c. 61, s. 188]

189 Penalty for retaining money or books

Every trustee of a School Board or member of a Council, or officer or employee of the Minister who, after ceasing to hold office, retains any money, book, paper or thing that belongs to a School Board or the Government after having received notice in writing requiring them to return it to the School Board or the Government commits an offence and is liable to a fine not exceeding $200 for each day during which that person wrongfully retains possession of the money, book, document or thing.

[S.Y. 2002, c. 61, s. 189]

190 Penalty for voting irregularities

Any person who knowingly prejudices the result of any voting by preventing votes from being taken, by taking unlawful votes, by altering returns or books in any way or by any other means, commits an offence and is liable to a fine not exceeding $1,000.

[S.Y. 2002, c. 61, s. 190]
191 Liability of trustees or members

Any trustee of a School Board or member of a Council that willfully neglects or refuses to exercise or to assist in exercising powers vested in the School Board or Council by this Act for the fulfillment of any contract or agreement made by it is personally responsible for the fulfillment of that contract or agreement.

[S.Y. 2002, c. 61, s. 191]

192 Liability of trustees for debts

If a School Board
(a) willfully contracts liabilities in the name of the School Board other than as provided in this Act, or
(b) appropriates any money of the School Board for purposes other than as provided in this Act, the Minister may recover from trustees of the School Board, either jointly or severally, the amount in excess of that provided by this Act for which the School Board has been rendered liable through the action of the School Board as a debt in any court of competent jurisdiction.

[S.Y. 2002, c. 61, s. 192]

193 Immunity for evaluators

No director, superintendent or other person whose duties under this Act require that person to evaluate the work of teachers, principals, or other employees appointed under this Act shall be personally liable for any loss or damage suffered by any person as a consequence if the comments, reports, and actions or omissions are authorized by this Act and are done in good faith and without negligence.

[S.Y. 2002, c. 61, s. 193]

194 Immunity for elected persons

(1) A School Board or Council is not liable for anything done or omitted, without negligence, in the exercise of a power conferred in this Act.
(2) No trustee of a School Board or member of a Council is liable and no other person acting on the lawful instructions of the School Board or Council is liable for anything that the trustee, member, or other person does or omits to do, lawfully and without negligence, in the exercise of a power conferred by this Act.

[S.Y. 2002, c. 61, s. 194]

DIVISION 3
TEACHER QUALIFICATION BOARD

195 Teacher Qualification Board

(1) The Minister shall appoint a Teacher Qualification Board composed of a representative of the teachers’ association, a professional educator selected by mutual agreement of the teachers’ association and the Minister, and a representative of the Minister who shall be the chair.

(2) The Minister shall appoint a secretary to the Teacher Qualification Board.

(3) The Teacher Qualification Board shall determine the category of certificate of qualification and the years of teaching experience for salary purposes to be assigned to a teacher in accordance with the regulations.

(4) Until the decision of the Teacher Qualification Board, the secretary shall, in consultation with the director or superintendent for the school to which the teacher has been assigned, provisionally assign a category of certificate of qualification and a number of years of teaching experience to the teacher.

(5) A teacher shall be paid in accordance with the provisionally assigned category of qualification until the matter has been determined by the Teacher Qualification Board.

[S.Y. 2002, c. 61, s. 195]

(2) Les commissaires, les membres d’un conseil ainsi que les personnes qui agissent au titre de directives légitimes que leur donnent la commission scolaire ou le conseil ne sont pas responsables des actes ou omissions accomplis de façon légitime et sans négligence dans l’exercice d’un pouvoir conféré par la présente loi.

[L.Y. 2002, ch. 61, art. 194]

SECTION 3
COMMISSION DE QUALIFICATION PROFESSIONNELLE DES ENSEIGNANTS ET DES ENSEIGNANTES

195 Commission de qualification professionnelle des enseignants et des enseignantes

(1) Le ministre constitue la Commission de qualification professionnelle des enseignants et des enseignantes, composée d’un représentant de l’association des enseignants et des enseignantes, d’un éducateur professionnel choisi par accord entre l’association des enseignants et des enseignantes et le ministre, ainsi que d’un représentant du ministre, qui en est le président.

(2) Le ministre nomme le secrétaire de la Commission.

(3) La Commission détermine la catégorie de brevet d’enseignement et le nombre d’années d’expérience d’enseignement applicables à un enseignant en conformité avec les règlements.

(4) Tant que la décision de la Commission n’est pas rendue, le secrétaire, après consultation du directeur ou du surintendant responsable de l’école à laquelle l’enseignant a été affecté, détermine provisoirement la catégorie de brevet d’enseignement et le nombre d’années d’expérience d’enseignement applicables à cet enseignant.

(5) L’enseignant est rémunéré en conformité avec la détermination provisoire du secrétaire jusqu’à ce que la Commission ait rendu sa décision.

[L.Y. 2002, ch. 61, art. 195]
DIVISION 4

TEACHER CERTIFICATION BOARD

196 Teacher Certification Board

The Commissioner in Executive Council shall appoint a Teacher Certification Board for any specified term composed of

(a) two persons nominated by the teachers’ association;
(b) two persons nominated by the department;
(c) one person nominated by the School Boards and Councils;
(d) one person nominated by the Central Indian Education Authority; and
(e) one person nominated by the Yukon University who is a professional educator.

[S.Y. 2019, c. 15, s. 70] [S.Y. 2002, c. 61, s. 196]

197 Chair and secretary

The Minister shall appoint one of the department appointees to the Teacher Certification Board as its chair and shall name a secretary from department employees for the Teacher Certification Board.

[S.Y. 2002, c. 61, s. 197]

198 Powers of the Teacher Certification Board

The Teacher Certification Board shall

(a) advise and make recommendations to the Minister on any program or course of study for the upgrading of teacher qualifications and the training of teachers;
(b) review regulations and recommend changes governing types, issuance, suspension, and cancellation of teachers’ certificates by the Minister; and
(c) make recommendations to the Minister for certification of any persons whose status with respect to qualifications is referred to the Teacher Certification Board.

[S.Y. 2002, c. 61, s. 198]

SECTION 4

COMMISSION DES BREVETS D’ENSEIGNEMENT

196 Commission des brevets d’enseignement

Le commissaire en conseil exécutif constitue la Commission des brevets d’enseignement pour le mandat qu’il détermine; la composition de la Commission est la suivante:

a) deux personnes proposées par l’association des enseignants et des enseignantes;

b) deux personnes proposées par le ministère;

c) une personne proposée par les commissions scolaires et les conseils;

d) une personne proposée par le Bureau central indien de l’éducation;

e) un éducateur professionnel proposé par l’Université du Yukon.

[S.Y. 2019, ch. 15, art. 70] [L.Y. 2002, ch. 61, art. 196]

197 Président et secrétaire

Le ministre nomme l’une des personnes proposées par le ministère au poste de président de la Commission des brevets d’enseignement et nomme à titre de secrétaire de la Commission un fonctionnaire du ministère.

[L.Y. 2002, ch. 61, art. 197]

198 Pouvoirs de la Commission

La Commission des brevets d’enseignement:

a) conseille le ministre et lui fait des recommandations à l’égard des programmes ou des cours de perfectionnement et de formation professionnels des enseignants;

b) révise les règlements et propose des modifications à l’égard des catégories de brevets d’enseignement ainsi que de leur délivrance, de leur suspension et de leur annulation par le ministre;

c) fait des recommandations au ministre à l’égard de l’attribution d’un brevet à toute personne dont le dossier professionnel lui est soumis.

[L.Y. 2002, ch. 61, art. 198]
DIVISION 5

MINISTERIAL POWERS

199 Investigation

(1) The Minister may authorize any person with appropriate qualifications
(a) to investigate any school matter; or
(b) to evaluate teachers, schools, the operation of any School Board or Council, educational programs, instructional materials or school buildings.

(2) A person authorized to investigate or evaluate may examine the achievement of any student, the policies, procedures, records of a school, School Board or Council and may enter any school building for the purpose of conducting the investigation or evaluation.

(3) The Minister may, on receipt of a report prepared by a person authorized pursuant to subsection (1), make any decision in accordance with this Act.

[S.Y. 2002, c. 61, s. 199]

200 Advisor to a School Board

(1) The Minister may appoint an advisor to a School Board.

(2) An advisor shall provide assistance and advice to the School Board on any matter and for any term as specified by the Minister.

[S.Y. 2002, c. 61, s. 200]

201 Official trustee of a School Board

If a School Board has failed to carry out any duty or function imposed on it pursuant to this Act, the Commissioner in Executive Council may appoint an official trustee for the affairs of the School Board.

[S.Y. 2002, c. 61, s. 201]

202 Duties of official trustee

(1) The official trustee may veto any resolution or bylaw passed or proposed by a School Board and

SECTION 5

POUVOIRS DU MINISTRE

199 Enquêtes

(1) Le ministre peut autoriser toute personne compétente à faire enquête sur toute question d’ordre scolaire ou à procéder à l’évaluation des enseignants, des écoles, du fonctionnement d’une commission scolaire ou d’un conseil, des programmes d’études, du matériel pédagogique ou des bâtiments scolaires.

(2) La personne autorisée à faire enquête peut étudier les résultats scolaires d’un élève, les principes directeurs, les règles de procédure, les dossiers d’une école, d’une commission scolaire ou d’un conseil et pénétrer dans tout bâtiment scolaire pour les besoins de son enquête.

(3) Sur réception du rapport que lui remet la personne autorisée en vertu du paragraphe (1), le ministre peut prendre toute décision que lui permet de prendre la présente loi.

[L.Y. 2002, ch. 61, art. 199]

200 Conseiller d’une commission scolaire

(1) Le ministre peut nommer un conseiller attaché à une commission scolaire.

(2) Le conseiller aide et conseille la commission scolaire pour la période que détermine le ministre.

[L.Y. 2002, ch. 61, art. 200]

201 Administrateur officiel d’une commission scolaire

Le commissaire en conseil exécutif peut nommer un administrateur officiel chargé d’assurer la gestion d’une commission scolaire dans les cas où elle a fait défaut d’exercer les attributions que lui confère la présente loi.

[L.Y. 2002, ch. 61, art. 201]

202 Fonctions de l’administrateur officiel

(1) L’administrateur officiel peut s’opposer à toute résolution ou à tout règlement adopté ou proposé par la commission scolaire et :
(a) assist the trustees of the School Board in the conduct of the affairs of the School Board; or
(b) exercise powers and duties conferred by this Act on the School Board in the place of the trustees.

(2) The Commissioner in Executive Council may stipulate which of paragraphs (1)(a) and (b) the official trustee shall act under.

(3) The trustees of the School Board shall cease to hold office as trustees on the appointment of an official trustee when the Commissioner in Executive Council stipulates that the official trustee shall act under paragraph (1)(b).

[S.Y. 2002, c. 61, s. 202]

203 Access to records

(1) An official trustee appointed pursuant to this Division may demand and is entitled to receive from officers, whether elected or appointed, of the School Board all money, securities, evidence of title, books, bylaws and documents of or relating to the affairs of the School Board in their possession or under their control.

(2) Any person who fails or refuses to comply with the demand of an official trustee pursuant to subsection (1) is guilty of an offence and liable to a fine not exceeding $500.

[S.Y. 2002, c. 61, s. 203]

204 Revocation of appointment

When the Commissioner in Executive Council considers it advisable to provide that the affairs of the School Board shall again be conducted by elected officials, the Commissioner in Executive Council may by order

(a) revoke the appointment of the official trustee; and either

(b) on the recommendation of the chief electoral officer, arrange for a by-election for the election of trustees for the School Board; or

[S.Y. 2002, c. 61, s. 204]
(c) on the recommendation of the official trustee and after the official trustee has been appointed for two years, dissolve the education area of the School Board and establish an attendance area with an elected Council.

[S.Y. 2002, c. 61, s. 204]

205 Review of the Act

(1) On or before 10 years from the proclamation of this Act, the Minister shall establish a process for a review of the Act.

(2) The Minister shall specify the process to be followed in the review referred to in subsection (1) and shall include in the process consultation with and involvement of the persons elected or appointed under this Act, the Council for Yukon First Nations, the teachers' association and other groups interested in education in the Yukon.

(3) A report of the process and recommendations resulting from the process shall be tabled in the Legislative Assembly by the Minister at the next session of the Legislative Assembly after the completion of the report.

[S.Y. 2002, c. 61, s. 205]

PART 12

BARGAINING AGENT

206 Bargaining agent

The teachers association shall continue as the bargaining agent for the purposes of Part 10 of this Act until and unless replaced pursuant to the provisions of Part 10 of this Act.

[S.Y. 2002, c. 61, s. 206]