The Act and Councils:

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

7 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. *S.Y. 1989-90, c.25, s.7.*

9 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. *S.Y. 1989-90, c.25, s.9.*

17(1) If a disagreement arises respecting (special needs students status or programming)

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

26 School Boards, Councils and, if no school committee exists, the superintendent, shall establish an attendance policy for their students. *S.Y. 1989-90, c.25, s.26.*

39(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.

(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. *S.Y. 1989-90, c.25, s.39.*

(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.

41(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 established pursuant to this Act.

(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. 1989-90, c.25, s.41.*

43(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

45(1) A School Board or Council may offer patriotic exercises to students in school.

46(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;

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

1 day; and

(d) the number of minutes of classroom instruction in a school day.

(6) A School Board or Council shall specify 15 hours for non-instructional purposes for its school or schools in each school year.

52(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.

53(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.

64 Subject to section 70, for each attendance area established by the Minister, there shall be a school council. *S.Y. 1989-90, c.25, s.64.*

66(1) A person who is elected to a school committee or Council shall be called a member.

<table>
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<tr>
<th>67(1)</th>
<th>The Minister shall specify the number of trustees of a School Board and members of a Council.</th>
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<td>67(2)</td>
<td>Each Council shall have no fewer than three members and no more than seven members.</td>
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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.

(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) If a School Board or Council is in existence and the agreement pursuant to subsection (1) requires the appointment or election of representatives, those representatives shall take office and shall be in addition to and not in substitution for trustees or members who hold office until the next general election. S.Y. 1989-90, c.25, s.68.

71 (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. 1989-90, c.25, s.71.

72(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. 1989-90, c.25, s.72.

73(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. 1989-90, c.25, s.73.

74. 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. 1989-90, c.25, s.74.

75. 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

76. (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. 1989-90, c.25, s.76.

79. (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 of two years.

(3) The Commissioner in Executive Council on the recommendation of the chief electoral officer shall make any regulations necessary for the conduct of the election of members of a Council. S.Y. 1989-90, c.25, s.79.

86. (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.

108. (1) If a vacancy occurs on a Council between general elections, the Minister may appoint, on the recommendation of the Council, a person to fill the vacant office or may cause a by-election to be held.

113. (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 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 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. 1989-90, c.25, s.113.*

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<th>Oath of office</th>
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<td>132(1) Every member of a Council shall take and subscribe to the following oath before beginning their duties:</td>
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133 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. *S.Y. 1989-90, c.25, s.133.*

134(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. *S.Y. 1989-90, c.25, s.134.*

135(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. *S.Y. 1989-90, c.25, s.135.*

137 (2) A Council shall hold not less than four meetings during a school year. *S.Y. 1989-90, c.25, s.137.*

138 Every School Board and Council may make rules for its internal procedure and its meetings. *S.Y. 1989-90, c.25, s.138.*

140(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. 1989-90, c.25, s.140.*

144(1) Subject to this Act, a School Board shall, by bylaw, provide for the procedure to be followed in passing bylaws

148(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.
149(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

(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. 1989-90, c.25, s.149.

150 Neither a bylaw nor a resolution passed by a School Board or a Council is a regulation within the meaning of the Regulations Act.

151(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.

152(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. 1989-90, c.25, s.152.

153 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. 1989-90, c.25, s.153.

154 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. 1989-90, c.25, s.154.*

156(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. 1989-90, c.25, s.156.*

179 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

(b) fixed deposits, notes, certificates and other short term paper of or guaranteed by a bank listed in Schedule A to the Bank Act (Canada) that may include swapped deposit transactions in currency of the United States. *S.Y. 1989-90, c.25, s.300.*

183 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. 1989-90, c.25, s.304.*

184 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. 1989-90, c.25, s.305.*

189 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. 1989-90, c.25, s.310.*

191 Any trustee of a School Board or member of a Council that wilfully 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. 1989-90, c.25, s.312.*

194(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. 1989-90, c.25, s.315.

196 The Commissioner in Executive Council shall appoint a Teacher Certification Board for any specified term composed of

(c) one person nominated by the School Boards and Councils;

199(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. 1989-90, c.25, s.320.