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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER E-0.1 REG 25

The Education Act, 1995

CHAPITRE E-0.1 RÈGL. 25

Loi de 1995 sur l'éducation

CHAPTER E-0.1 REG 25*The Education Act, 1995*

Section 3

Minister's Order, dated October 14, 2015

(Filed October 16, 2015)

Title**1** These regulations may be cited as *The Teacher Salary Classification Regulations*.**Interpretation****2(1)** In these regulations:

“Additional Qualification Certificate” means an Additional Qualification Certificate issued pursuant to *The Registered Teachers Act*; (« *brevet de compétence complémentaire* »)

“approved” means approved by the minister; (« *agréé* »)

“educational institution” means:

- (a) the University of Saskatchewan;
- (b) the University of Regina; or
- (c) any other educational institution that provides approved post-secondary education, and includes any approved college, institute or other university; (« *établissement d'enseignement* »)

“post-secondary education” means education or training beyond a completed Saskatchewan Grade 12, or an equivalent level of education, leading to certification as a teacher; (« *études postsecondaires* »)

“recognized” means recognized by the minister; (« *reconnu* »)

“teacher's certificate”, or reference to a particular category of teacher's certificate, means a teacher's certificate, or a particular category of teacher's certificate, issued pursuant to *The Registered Teachers Act*; (« *brevet d'enseignement* »)

“temporary teaching permit” means a temporary teaching permit issued pursuant to *The Registered Teachers Act*; (« *permis d'enseignement temporaire* »)

“year of graduate study” means at least 30 semester hours of study at the University of Saskatchewan, the University of Regina or other approved educational institution. (« *année d'études supérieures* »)

(2) Unless otherwise stated, all references in these regulations to university degrees, graduate study or years of graduate study refer to the degrees, standards or programs of the University of Saskatchewan and the University of Regina.

(3) The requirements of the University of Saskatchewan and the University of Regina are to be used as a guide in recognizing programs of education or professional training from other educational institutions.

CHAPITRE E-0.1 RÉGL. 25*Loi de 1995 sur l'éducation*

Article 3

Arrêté ministériel, en date du 14 octobre 2015

(Déposé le 16 octobre 2015)

Titre**1** *Règlement sur la classification salariale des enseignants.***Définitions et interprétation****2(1)** Les définitions qui suivent s'appliquent au présent règlement.« **agréé** » Agréé par le ministre. (“*approved*”)« **année d'études supérieures** » S'entend d'au moins 30 heures-semester d'études à la University of Saskatchewan, à la University of Regina ou à tout autre établissement d'enseignement agréé. (“*year of graduate study*”)« **brevet de compétence complémentaire** » S'entend d'un *Additional Qualification Certificate* délivré sous le régime de la loi intitulée *The Registered Teachers Act*. (“*Additional Qualification Certificate*”)« **brevet d'enseignement** » S'entend d'un *teacher's certificate* délivré sous le régime de la loi intitulée *The Registered Teachers Act* ou, s'agissant d'une catégorie particulière de brevet d'enseignement, de cette catégorie. (“*teacher's certificate*”)« **établissement d'enseignement** » S'entend de ce qui suit :

- a) la University of Saskatchewan;
- b) la University of Regina;
- c) tout autre établissement d'enseignement qui dispense un enseignement postsecondaire agréé, y compris tout collège, institut ou université agréé. (“*educational institution*”)

« **études postsecondaires** » Études ou formation postérieures à la douzième année de la Saskatchewan, ou études d'un niveau équivalent, menant au brevet d'enseignement. (“*post-secondary education*”)« **permis d'enseignement temporaire** » S'entend d'un *temporary teaching permit* délivré sous le régime de la loi intitulée *The Registered Teachers Act*. (“*temporary teaching permit*”)« **reconnu** » Reconnu par le ministre. (“*recognized*”)

(2) Sauf indication contraire, chaque fois qu'il est question, dans le présent règlement, de diplômes universitaires, d'études supérieures ou d'années d'études supérieures, il faut se reporter aux diplômes, aux normes ou aux programmes de la University of Saskatchewan et de la University of Regina.

(3) Les conditions imposées par la University of Saskatchewan et la University of Regina sont utilisées à titre indicatif pour la reconnaissance de programmes d'éducation ou de formation professionnelle offerts par d'autres établissements d'enseignement.

(4) The requirements of the Saskatchewan Polytechnic are to be used as a guide in recognizing technical or vocational programs from other educational institutions.

(5) Notwithstanding subsections (3) and (4), a program offered by an educational institution may be recognized and approved whether or not the University of Saskatchewan, the University of Regina or the Saskatchewan Polytechnic offers a comparable program.

Salary classification

3(1) A board of education or the conseil scolaire shall place a teacher in Class C if the teacher holds a temporary teaching permit but does not meet the qualifications of subsection (2).

(2) A board of education or the conseil scolaire shall place a teacher in Class 1 if the teacher:

- (a) has completed two years of recognized post-secondary education; and
- (b) holds a temporary teaching permit.

(3) A board of education or the conseil scolaire shall place a teacher in Class 2 if the teacher:

- (a) has completed a minimum of two years of recognized post-secondary education and holds one of the following certificates:
 - (i) a Standard “A” Certificate;
 - (ii) a Standard “B” Certificate (Endorsed) issued pursuant to regulations made pursuant to *The School Act* or *The Education Act*; or
- (b) has completed a minimum of three years of recognized post-secondary education and holds a temporary teaching permit.

(4) A board of education or the conseil scolaire shall place a teacher in Class 3 if the teacher:

- (a) has completed a minimum of three years of recognized post-secondary education and holds one of the following certificates:
 - (i) a Standard “A” Certificate;
 - (ii) a Standard “B” Certificate (Endorsed) issued pursuant to regulations made pursuant to *The School Act* or *The Education Act*;
 - (iii) a Vocational Teacher’s Certificate (Endorsed);
 - (iv) a Technical Teacher’s Certificate (Endorsed); or
- (b) has completed a minimum of four years of recognized post-secondary education, has been granted a bachelor’s degree and holds a temporary teaching permit.

(4) Les conditions imposées par la Saskatchewan Polytechnic sont utilisées à titre indicatif pour la reconnaissance des programmes en formation technique ou de métier offerts par d'autres établissements d'enseignement.

(5) Malgré les paragraphes (3) et (4), un programme offert par un établissement d'enseignement peut être reconnu et agréé, même si la University of Saskatchewan, la University of Regina ou la Saskatchewan Polytechnic offre un programme comparable.

Classification salariale

3(1) Une commission scolaire ou le conseil scolaire classe dans la catégorie C l'enseignant qui détient un permis d'enseignement temporaire sans avoir les qualités requises au paragraphe (2).

(2) Une commission scolaire ou le conseil scolaire classe dans la catégorie 1 l'enseignant qui possède les qualités suivantes :

- a) il a terminé deux années d'études postsecondaires reconnues;
- b) il détient un permis d'enseignement temporaire.

(3) Une commission scolaire ou le conseil scolaire classe dans la catégorie 2 l'enseignant qui possède les qualités suivantes :

- a) ou bien il a terminé au moins deux années d'études postsecondaires reconnues et détient un des brevets suivants :
 - (i) le brevet d'enseignement standard « A »,
 - (ii) le brevet appelé Standard "B" Certificate (Endorsed) délivré sous le régime des règlements pris en application de la loi intitulée *The School Act* ou de la loi intitulée *The Education Act*;

- b) ou bien il a terminé au moins trois années d'études postsecondaires reconnues et détient un permis d'enseignement temporaire.

(4) Une commission scolaire ou le conseil scolaire classe dans la catégorie 3 l'enseignant qui possède les qualités suivantes :

- a) ou bien il a terminé au moins trois années d'études postsecondaires reconnues et détient un des brevets suivants :
 - (i) le brevet d'enseignement standard « A »,
 - (ii) le brevet appelé Standard "B" Certificate (Endorsed) délivré sous le régime des règlements pris en application de la loi intitulée *The School Act* ou de la loi intitulée *The Education Act*,
 - (iii) le brevet d'enseignement en formation de métier (avec mention),
 - (iv) le brevet d'enseignement technique (avec mention);

- b) ou bien il a terminé au moins quatre années d'études postsecondaires reconnues, a reçu un baccalauréat et détient un permis d'enseignement temporaire.

(5) A board of education or the conseil scolaire shall place a teacher in Class 4 if the teacher:

(a) has completed a minimum of four years of recognized post-secondary education and holds:

(i) a Professional “A” Teacher’s Certificate; or

(ii) a Professional “B” Teacher’s Certificate (Endorsed); or

(b) has completed sufficient training so that only one year of additional post-secondary education is required to complete a four-year degree and holds one of the following certificates:

(i) a Vocational Teacher’s Certificate (Endorsed);

(ii) a Technical Teacher’s Certificate (Endorsed).

(6) A board of education or the conseil scolaire shall place a teacher in Class 5 if the teacher has completed a minimum of five years of recognized post-secondary education and holds the certificates and degrees mentioned in one of the following clauses:

(a) a Professional “A” Teacher’s Certificate, a Bachelor of Education degree or a degree recognized as equivalent to a Bachelor of Education degree, and a second bachelor’s degree;

(b) a Professional “A” Teacher’s Certificate, an approved bachelor’s degree and one year of graduate study;

(c) a Professional “A” Teacher’s Certificate and an approved four-year bachelor’s degree other than a Bachelor of Education degree;

(d) a Professional “A” Teacher’s Certificate and an Additional Qualification Certificate;

(e) a Professional “B” Teacher’s Certificate (Endorsed), an approved three-year bachelor’s degree and one year of graduate study;

(f) a Professional “B” Teacher’s Certificate (Endorsed) and an approved four-year bachelor’s degree other than a Bachelor of Education degree;

(g) a Vocational Teacher’s Certificate (Endorsed) and a Bachelor of Education degree or a degree recognized as equivalent to a Bachelor of Education degree;

(h) a Technical Teacher’s Certificate (Endorsed) and a Bachelor of Education degree or a degree recognized as equivalent to a Bachelor of Education degree.

(7) A board of education or the conseil scolaire shall place a teacher in Class 6 if the teacher has completed a minimum of six years of recognized post-secondary education and holds the certificates and degrees mentioned in one of the following clauses:

(a) a Professional “A” Teacher’s Certificate, a Bachelor of Education degree, a second bachelor’s degree and one year of graduate study;

(b) a Professional “A” Teacher’s Certificate, a Bachelor of Education degree and two years of graduate study;

(5) Une commission scolaire ou le conseil scolaire classe dans la catégorie 4 l'enseignant qui possède les qualités suivantes :

a) ou bien il a terminé au moins quatre années d'études postsecondaires reconnues et il détient :

(i) soit le brevet d'enseignement professionnel « A »,

(ii) soit le brevet d'enseignement professionnel « B » (avec mention);

b) ou bien la formation qu'il a obtenue fait en sorte qu'il n'a besoin que d'une année d'études universitaires de plus pour obtenir un diplôme de quatre ans et il détient un des brevets suivants :

(i) le brevet d'enseignement en formation de métier (avec mention),

(ii) le brevet d'enseignement technique (avec mention).

(6) Une commission scolaire ou le conseil scolaire classe dans la catégorie 5 l'enseignant qui a terminé au moins cinq années d'études postsecondaires reconnues et qui détient les brevets et diplômes mentionnés dans l'un des alinéas suivants :

a) le brevet d'enseignement professionnel « A », le baccalauréat en éducation ou un diplôme reconnu comme équivalent du baccalauréat en éducation, et un deuxième baccalauréat;

b) le brevet d'enseignement professionnel « A », un baccalauréat agréé et une année d'études supérieures;

c) le brevet d'enseignement professionnel « A » et un baccalauréat de quatre ans agréé, autre que le baccalauréat en éducation;

d) le brevet d'enseignement professionnel « A » et le brevet de compétence complémentaire;

e) le brevet d'enseignement professionnel « B » (avec mention), un baccalauréat agréé de trois ans et une année d'études supérieures;

f) le brevet d'enseignement professionnel « B » (avec mention) et un baccalauréat de quatre ans agréé, autre que le baccalauréat en éducation;

g) le brevet d'enseignement en formation de métier (avec mention) et le baccalauréat en éducation ou un diplôme reconnu comme équivalent du baccalauréat en éducation;

h) le brevet d'enseignement technique (avec mention) et le baccalauréat en éducation ou un diplôme reconnu comme équivalent du baccalauréat en éducation.

(7) Une commission scolaire ou le conseil scolaire classe dans la catégorie 6 l'enseignant qui a terminé au moins six années d'études postsecondaires reconnues et détient les brevets et diplômes mentionnés dans l'un des alinéas suivants :

a) le brevet d'enseignement professionnel « A », le baccalauréat en éducation, un deuxième baccalauréat et une année d'études supérieures;

b) le brevet d'enseignement professionnel « A », le baccalauréat en éducation et deux années d'études supérieures;

- (c) a Professional “A” Teacher’s Certificate, an Honours degree and a Bachelor of Education degree;
- (d) a Professional “A” Teacher’s Certificate, an approved bachelor’s degree other than a Bachelor of Education degree, and a Master of Education degree;
- (e) a Professional “A” Teacher’s Certificate, a Bachelor of Education degree, an Additional Qualification Certificate and one year of graduate study;
- (f) a Vocational Teacher’s Certificate (Endorsed), a Bachelor of Education degree and one year of graduate study;
- (g) a Technical Teacher’s Certificate (Endorsed), a Bachelor of Education degree and one year of graduate study.

Provisional designation

4 For the purposes of section 3, a provisional teacher’s certificate is to be considered as, as the case requires:

- (a) a Professional “A” Teacher’s Certificate;
- (b) a Professional “B” Teacher’s Certificate (Endorsed);
- (c) a Vocational Teacher’s Certificate (Endorsed); or
- (d) a Technical Teacher’s Certificate (Endorsed).

Classification and employment status

5 Notwithstanding the system of salary classification provided for in these regulations, the salary classification of any teacher continuously employed in teaching service in Saskatchewan on and after the coming into force of these regulations is not to be less favourable than the salary classification provided for that teacher before the coming into force of these regulations.

Date of reclassification

6(1) The effective date of a teacher’s reclassification is whichever of the following dates first occurs after the teacher has met the requirements for reclassification:

- (a) May 1;
- (b) September 1 or the school opening date, if the school opening date is before September 1;
- (c) January 1.

(2) The date on which a teacher meets the requirements for reclassification is the date of the final test or examination that qualifies the teacher for the classification.

(3) Notwithstanding subsection (2), the effective date of an Additional Qualification Certificate is the date on the Additional Qualification Certificate.

(4) It is the responsibility of the teacher to furnish the board of education or conseil scolaire, as the case may be, with evidence of his or her qualifications within the greater of the following periods:

- (a) 120 days after the day on which the teacher has met the requirements for reclassification;
- (b) 120 days after the day on which the teacher commences his or her duties with the board of education or conseil scolaire.

- c) le brevet d'enseignement professionnel « A », un baccalauréat spécialisé et le baccalauréat en éducation;
- d) le brevet d'enseignement professionnel « A », un baccalauréat agréé – autre que le baccalauréat en éducation – et la maîtrise en éducation;
- e) le brevet d'enseignement professionnel « A », le baccalauréat en éducation, le brevet de compétence complémentaire et une année d'études supérieures;
- f) le brevet d'enseignement en formation de métier (avec mention), le baccalauréat en éducation et une année d'études supérieures;
- g) le brevet d'enseignement technique (avec mention), le baccalauréat en éducation et une année d'études supérieures.

Caractère provisoire

4 Pour l'application de l'article 3, un brevet d'enseignement provisoire correspond, selon le cas :

- a) au brevet d'enseignement professionnel « A »;
- b) au brevet d'enseignement professionnel « B » (avec mention);
- c) au brevet d'enseignement en formation de métier (avec mention);
- d) au brevet d'enseignement technique (avec mention).

Classification et statut d'employé

5 Malgré le système de classification salariale prévu au présent règlement, la classification salariale d'un enseignant qui possède un emploi continu dans l'enseignement en Saskatchewan le jour de l'entrée en vigueur du présent règlement et après cette date ne doit pas être moins avantageuse que la classification salariale prévue à son égard avant cette date.

Date de la reclassification

6(1) La date de prise d'effet de la reclassification d'un enseignant correspond à la première des dates suivantes à survenir une fois que l'enseignant a rempli les conditions de reclassification :

- a) le 1^{er} mai;
- b) le 1^{er} septembre ou la date de la rentrée scolaire, si cette date précède le 1^{er} septembre;
- c) le 1^{er} janvier.

(2) La date à laquelle l'enseignant remplit les conditions de reclassification est la date de l'examen final qui le rend admissible à la classification.

(3) Malgré le paragraphe (2), la date de prise d'effet d'un brevet de compétence complémentaire est la date qui figure sur celui-ci.

(4) Il incombe à l'enseignant de fournir à la commission scolaire ou au conseil scolaire, selon le cas, la preuve de ses qualités avant l'expiration du plus long des délais suivants :

- a) 120 jours après la date à laquelle l'enseignant a rempli les conditions de reclassification;
- b) 120 jours après la date à laquelle l'enseignant est entré en fonctions auprès de la commission scolaire ou du conseil scolaire.

Classification appeals

7(1) If a written notice of appeal respecting the salary classification of a teacher is submitted to the Teacher Classification Board within six months after the date of issue of the first salary cheque based on the salary classification granted by the employing board of education or conseil scolaire, the effective date of the reclassification determined by the Teacher Classification Board is the date determined pursuant to subsection 6(1).

(2) If a written notice of appeal respecting the salary classification of a teacher is submitted to the Teacher Classification Board after the expiration of the six-month period mentioned in subsection (1), the effective date of the reclassification determined by the Teacher Classification Board is the date on which the notice of appeal was received by the secretary of the Teacher Classification Board.

R.R.S. c.E-0.2 Reg 11 repealed

8 *The Teacher Certification and Classification Regulations, 2002* are repealed.

Coming into force

9(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Registered Teachers Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Registered Teachers Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

Appels portant sur la classification

7(1) Dans le cas où un avis d'appel écrit concernant la classification salariale d'un enseignant est remis à la commission appelée Teacher Classification Board dans les six mois qui suivent la date de délivrance du premier chèque de paie calculé en fonction de la classification salariale attribuée par la commission scolaire employeuse ou le conseil scolaire employeur, la date de prise d'effet de la reclassification fixée par la commission appelée Teacher Classification Board est la date pertinente prévue au paragraphe 6(1).

(2) Dans le cas où un avis d'appel écrit concernant la classification salariale d'un enseignant est remis à la commission appelée Teacher Classification Board après la période de six mois mentionnée au paragraphe (1), la date de prise d'effet de la reclassification fixée par la commission appelée Teacher Classification Board est la date de réception de l'avis d'appel par le secrétaire de la commission appelée Teacher Classification Board.

Abrogation du Règl. 11 des R.R.S. ch. E-0.2

8 Le *Règlement de 2002 sur l'attribution des brevets aux enseignants et la classification des enseignants* est abrogé.

Entrée en vigueur

9(1) Sous réserve du paragraphe (2), le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 1 de la loi intitulée *The Registered Teachers Act*.

(2) Le présent règlement entre en vigueur le jour de son dépôt auprès du registraire des règlements, si ce dépôt intervient après la date d'entrée en vigueur de l'article 1 de la loi intitulée *The Registered Teachers Act*.

CHAPTER E-0.2 REG 24*The Education Act, 1995*

Section 370

Order in Council 501/2015, dated October 14, 2015

(Filed October 16, 2015)

PART I

Preliminary Matters**Title****1** These regulations may be cited as *The Education Regulations, 2015*.**Interpretation****2(1)** In these regulations:“**Act**” means *The Education Act, 1995*;“**approved**” means approved by the minister;“**course**” means a course of study;“**Form**” means a Form as set out in Part 2 of the Appendix;“**learning resource**” means a resource used for educational purposes in any format, real or virtual, that:

(a) illustrates or supports one or more elements of a school program or course; and

(b) may enrich the learning experience of the pupil or the teacher;

“**ministry**” means the ministry over which the minister presides;“**recognized**” means recognized by the minister;“**Table**” means a Table as set out in Part 1 of the Appendix.(2) For the purposes of the Act, “**learning resource**” has the same meaning as in these regulations.(3) For the purposes of clause 4(3)(a) of the Act, “**supplementary materials**” includes licences or other rights or authorizations respecting the use of textbooks, library books, reference books or other learning resources.

PART II

Establishment of Separate School Divisions**Forms****3(1)** Form A is the form to be used for a petition to establish a separate school division pursuant to subsection 49(5) of the Act.

(2) Form B is the form to be used for a notice of a meeting of electors pursuant to subsection 49(7) of the Act.

(3) Form C is the form to be used for a declaration of an elector pursuant to subsection 49(9) of the Act.

- (4) Form D is the form to be used for a notice of poll pursuant to clause 50(5)(d) of the Act.
- (5) Form E is the form to be used for a declaration of an elector pursuant to subsection 50(7) of the Act.
- (6) Form F is the form to be used for a ballot for the purposes of a poll pursuant to section 50 of the Act.
- (7) Form G is the form to be used for the record of the results of a poll pursuant to subsection 50(12) of the Act.
- (8) Form H is the form to be used for the appointment of representatives pursuant to subsection 50(13) of the Act.

PART III

Establishment of Francophone Education Area and Fransaskois School

Transfer of property

4 When a francophone education area and a fransaskois school are established, textbooks, library books, reference books, other learning resources, apparatus and equipment, and similar property, that have been acquired for minority language instruction, excluding French immersion programming, by a board of education with funding pursuant to a *Canada-Saskatchewan agreement for minority-language education and second-language instruction* are to be transferred by the board of education to the conseil scolaire, at no cost.

PART IV

Boards of Education and the Conseil Scolaire

Boards of education – election of sub-division representatives

5 For the purpose of subsection 40(9) of the Act, the minister may approve a request from a board of education to allow for the election of more than one representative from a sub-division of the school division to serve as members of the board of education if:

- (a) the request is made in writing;
- (b) the request is received by the minister on or before January 1 of the year in which an election of members of the board of education is to be held; and
- (c) based on the evidence submitted by the board of education in support of its request, the minister is satisfied that:
 - (i) the board of education has passed a resolution in support of the election of more than one representative from the sub-division of the school division;
 - (ii) the total number of members of the board of education to be elected will not exceed the maximum number of members permitted by order made pursuant to clause 42(1)(e) of the Act; and
 - (iii) the proposed number of representatives to be elected from the sub-division is reasonable based on:
 - (A) the population distribution within the school division and its sub-divisions;

- (B) the geographic layout of the school division; and
- (C) the transportation patterns within the school division.

Declaration of office

- 6(1) Form I is the form to be used for a declaration of office pursuant to subsection 71(1) of the Act.
- (2) Form J is the form to be used for a certificate by a commissioner for oaths pursuant to subsection 71(2) of the Act.
- (3) For the purposes of the conseil scolaire, Forms I and J apply, with any necessary modification.

PART V
School Community Councils

Membership

- 7(1) In this Part, “**community member**”:
 - (a) means an elector who resides within the attendance area for that school community council’s school or the geographic area for a school community council as determined by that school’s board of education if an attendance area has not been defined; and
 - (b) does not include parents or guardians of pupils who attend that school.
- (2) Each school community council shall consist of:
 - (a) the elected members mentioned in clause 140.2(a) of the Act; and
 - (b) the members appointed pursuant to subsections (3) and (4).
- (3) A board of education shall appoint as members:
 - (a) subject to clause (b), for each school community council in its division:
 - (i) if practicable, one or two pupils who attend that school who are enrolled in the secondary level;
 - (ii) the principal of that school;
 - (iii) one teacher from that school; and
 - (iv) in consultation with the other members, any other individuals;
 - (b) if two or more school community councils are amalgamated pursuant to the Act, for each amalgamated school community council:
 - (i) if practicable, one or two pupils who attend each school who are enrolled in the secondary level;
 - (ii) the principal of each school;
 - (iii) one teacher from each school; and
 - (iv) in consultation with the other members, any other individuals.

- (4) If a pupil at a school resides on reserve, the board of education shall, for the school community council for that school:
- (a) request that the Indian band, for whose use and benefit the reserve where the student resides has been set aside, identify individuals willing to represent that Indian band on the school community council; and
 - (b) if practicable, appoint at least one of those individuals to the school community council.
- (5) Subject to the Act and these regulations, a board of education shall, for each school community council in its division:
- (a) determine the geographic area for the purposes of clause (1)(a);
 - (b) determine the maximum number of members;
 - (c) for the purposes of clause 140.2(a) of the Act determine the number of elected members; and
 - (d) develop policies and procedures for the:
 - (i) appointment of members; and
 - (ii) nomination and election of elected members.
- (6) Subject to subsection (7), a majority of the elected members of a school community council must be parents or guardians of pupils who attend the school.
- (7) Subsection (6) does not apply if the majority of the pupils who attend the school:
- (a) are 18 years of age or older; or
 - (b) do not reside with a parent or guardian.

Elections

- 8(1) An annual election shall be held to elect members of a school community council.
- (2) A board of education shall, for each school community council in its division, appoint an employee of the board of education, other than any member of that school community council, to be the returning officer for the election of members of the school community council.
- (3) A returning officer shall provide at least four weeks' notice to the public before a public meeting is held to elect members of a school community council.
- (4) The notice shall state:
- (a) the purpose of the meeting;
 - (b) the attendance area or the geographic area for the school community council;
 - (c) where any policies or procedures developed by the board of education respecting the election of the school community council can be reviewed; and
 - (d) the date, time and location of the meeting.
- (5) The notice shall be advertised or posted in such a way that it would be reasonably expected to reach the parents or guardians of pupils of that school and community members.

- (6) The following may stand for election to a school community council:
- (a) a parent or guardian of a pupil who attends the school of that school community council;
 - (b) subject to subsection (7), a community member.
- (7) A community member may not be a member of more than one school community council for a school in which he or she is not a parent or guardian of a pupil in that school.
- (8) The following may cast a vote in a school community council election:
- (a) a community member;
 - (b) a parent or guardian of a pupil who attends that school.
- (9) The members to be elected shall be elected at the public meeting by secret ballot.

Terms of appointed members

- 9(1)** Subject to subsection (2), each appointed member of a school community council holds office for two years and is eligible for reappointment.
- (2) Any pupil who is appointed as a member of a school community council holds office for one year and is eligible for reappointment.

Officers

- 10** Each school community council shall select a chairperson, a vice-chairperson and a secretary from among the following members:
- (a) pupils;
 - (b) representatives of Indian bands;
 - (c) elected members.

Meetings

- 11** A school community council shall meet at least five times each year, have an annual general meeting and meet at any other time at the call of the chairperson.

Reimbursement

- 12** Members of a school community council may be reimbursed for expenses by the board of education for the school pursuant to the board's policies but will not receive compensation.

Support

- 13** A board of education shall, for each school community council in its division:
- (a) designate a senior administrative employee to be responsible for that school community council; and
 - (b) provide orientation, training, development and networking opportunities for members.

Duties

- 14** A school community council shall:
- (a) undertake activities to enhance its understanding of the community's economic, social and health needs, aspirations for pupils' learning and well-being, and resources and supports for the school, parents, guardians and community;

- (b) in cooperation with the school staff, develop and recommend to its board of education for approval a school level plan that is in accordance with the board of education's strategic plan;
- (c) perform any activities assigned to it in a school level plan approved by the board of education;
- (d) communicate annually to the parents, guardians and community members about its plans, initiatives and accomplishments;
- (e) account publicly for the expenditure of funds related to the operation of the school community council;
- (f) participate in orientation, training, development and networking opportunities in order to enhance its capacity to fulfil its responsibilities; and
- (g) not discuss or be given access to personal confidential information about or complaints about any pupil, family member or guardian of any pupil, teacher, administrator or other employee of or member of the board of education.

Powers

15 A school community council may:

- (a) provide advice and recommendations to the board of education respecting policies, programs and educational service delivery, including fundraising, school fees, pupil code of conduct, grade discontinuance, school closure, religious instruction, and language of instruction but not including educational service delivery by a specific teacher;
- (b) provide advice to the school staff respecting school programs; and
- (c) provide advice to other organizations, agencies and governments on the learning needs and well-being of pupils.

Constitution

16(1) A school community council shall develop and submit for approval to its board of education a constitution that includes its:

- (a) subcommittees and officers;
- (b) schedule of meetings;
- (c) means of public communication and consultation;
- (d) code of conduct;
- (e) decision-making processes; and
- (f) complaint and dispute resolution processes.

(2) A school community council's constitution or any amendment to it is not in effect until it is approved by that school community council's board of education.

(3) A board of education, by resolution, may delegate its power to approve the school community council's constitution, or any amendment to it, to the director or the superintendent of the board of education.

(4) The approval of the school community council's constitution, or any amendment to it, by the director or the superintendent of the board of education, as the case may be, in accordance with a resolution made pursuant to subsection (3) and any policies and procedures established by the board of education, is deemed to be the approval of the board of education.

(5) If a board of education has delegated its power to the director or the superintendent of the board of education pursuant to subsection (3) and the school community council disagrees with the decision of the director or superintendent, the school community council may appeal the decision, in writing, to the board of education.

PART VI Employment of Certain School Officials

Qualifications of director

17(1) A person is eligible to be appointed by a board of education or the conseil scolaire as director if he or she:

- (a) holds or meets the requirements to hold a Professional “A” Teacher’s Certificate issued pursuant to *The Registered Teachers Act*;
- (b) has completed a master’s degree at a recognized university in a field that relates to the major duties of a director of education; and
- (c) submits evidence to the board of education or conseil scolaire, acceptable to the board of education or conseil scolaire, of:
 - (i) a minimum of two years of teaching experience in Canada at the elementary or secondary school level; and
 - (ii) a minimum of two years of experience in Canada as an educational administrator.

(2) Notwithstanding subsection (1), any person who, on or before May 29, 2009, was a member of the Saskatchewan League of Educational Administrators, Directors and Superintendents is eligible to be appointed as a director.

(3) For the purpose of subsection (2), “**member**” means member as defined in *The League of Educational Administrators, Directors and Superintendents Act, 1991*.

Appointment of director

18(1) If a board of education or the conseil scolaire wishes to appoint a director, the board of education or conseil scolaire shall:

- (a) notify the minister in writing of its intention;
- (b) subject to subsection (2), advertise the position in at least the two daily newspapers having the largest circulation in Saskatchewan;
- (c) consider all applications; and
- (d) on making an appointment, notify the minister of the full name, address and qualifications of the person appointed.

(2) The minister may exempt a board of education or the conseil scolaire from complying with clause (1)(b) if:

- (a) the board of education or conseil scolaire wishes to appoint a director as a result of a restructuring of school divisions; and
- (b) the minister considers it appropriate to make the exemption.

(3) A board of education or the conseil scolaire, as the case may be, shall engage its director under a written contract specifying:

- (a) yearly salary and other allowances;
- (b) vacation entitlement;
- (c) the procedure for review of the terms of the contract by either party;
- (d) the procedure for termination of the contract by either party; and
- (e) any terms and conditions of employment, in addition to those described in clauses (a) to (d), to which the parties may agree.

Superintendent, etc.

19 If a board of education or the conseil scolaire employs a person as a superintendent, assistant superintendent, consultant or supervisor of services related to the instruction or the health and welfare of pupils or to school attendance, the board of education or conseil scolaire shall engage that person under a written contract specifying:

- (a) yearly salary and other allowances;
- (b) vacation entitlement;
- (c) the procedure for review of the terms of the contract by either party;
- (d) the procedure for termination of the contract by either party; and
- (e) any terms and conditions of employment, in addition to those described in clauses (a) to (d), to which the parties may agree.

Filing contracts

20 If a board of education or the conseil scolaire enters into a contract in accordance with section 18 or 19 with a person mentioned in subsection 25(1) or 25(3) of *The League of Educational Administrators, Directors and Superintendents Act, 1991*, that person shall file, as the case may be, a copy of that contract and any subsequent amendments or revisions, with:

- (a) the Teachers' Superannuation Commission not more than 30 days after the effective date of the contract, amendment or revision; or
- (b) the Saskatchewan Teachers' Retirement Plan not more than 30 days after the effective date of the contract, amendment or revision.

**PART VII
Tuition**

Interpretation

21(1) In this Part:

“chart of accounts” means the chart of accounts manual designated by the minister that provides an accounting framework for boards of education and the conseil scolaire;

“enrolment” means the number of full-time equivalent pupils and kindergarten children in a school division or in the division scolaire francophone as at September 30 of the school year;

“**fiscal year**” means the period commencing on September 1 in one year and ending on August 31 of the following year;

“**tuition fee amount**” means the tuition fee amount of a board of education or the conseil scolaire for a particular fiscal year, calculated in accordance with section 22.

(2) For the purposes of clause 173(3)(b) of the Act, “**temporary resident**”, with respect to a pupil, means a pupil:

- (a) who is lawfully admitted to Canada as a temporary resident; and
- (b) whose parent with whom the pupil resides in Saskatchewan is lawfully admitted to Canada as a temporary resident and is:
 - (i) the holder of a valid work permit issued by the Government of Canada; or
 - (ii) the holder of a valid study permit issued by the Government of Canada and is registered in a recognized full-time degree or diploma program in Saskatchewan, other than an English as an additional language program.

Tuition fee amount

22(1) In accordance with this section, a board of education may establish a tuition fee amount to be charged pursuant to sections 171 and 173 of the Act.

(2) In accordance with this section, the conseil scolaire may establish a tuition fee amount to be charged pursuant to section 172 of the Act.

(3) For the purposes of subsections (1) and (2), a board of education or the conseil scolaire, as the case may be, shall calculate the tuition fee amount payable with respect to a pupil in accordance with the following formula, using budgeted expenditures of the board of education or conseil scolaire for the particular fiscal year:

$$\text{Tuition fee amount} = (\text{Expenditures} - \text{Recovered Costs}) \div \text{Enrolment}.$$

(4) For the purposes of subsection (3), expenditures are outlined in the chart of accounts and are to be determined by adding the following expenses of the board of education or conseil scolaire:

- (a) governance expenses;
- (b) administration expenses;
- (c) instruction expenses;
- (d) plant operation and maintenance expenses;
- (e) complementary services expenses;
- (f) other expenses.

(5) For the purposes of subsection (3), the following expenses as outlined in the chart of accounts are to be excluded from the calculation of the tuition fee amount:

- (a) costs of pupil transportation;
- (b) payments of tuition fees to other boards of education or to the conseil scolaire;
- (c) external service expenses;

- (d) allowances for:
 - (i) uncollectable taxes;
 - (ii) losses on disposal of tangible capital assets; and
 - (iii) write-downs of tangible capital assets;
- (e) prekindergarten program expenses.

(6) For the purposes of subsection (3), the recovered costs to be deducted from the expenditures in the calculation of the tuition fee amount are the reimbursements received by the board of education or conseil scolaire related to the expenses mentioned in subsections (4) and (5), not including grant revenue received from the Government of Saskatchewan.

(7) A board of education or the conseil scolaire may charge fees for the transportation of pupils described in sections 171, 172 and 173 of the Act, but, in accordance with clause (5)(a), the calculation of those fees must be separate from the calculation of the tuition fee amount.

(8) Notwithstanding subsection (3), if a board of education or the conseil scolaire has a tuition fee arrangement with another party, the board of education or conseil scolaire:

- (a) may make adjustments to the calculation of the tuition fee amount with the consent of the parties to the arrangement; or
- (b) shall make adjustments to the calculation of the tuition fee amount if the agreement among the parties requires that adjustments be made.

(9) A board of education or the conseil scolaire shall inform the minister of any adjustments made pursuant to subsection (8) to the tuition fee amount.

(10) The parties to arrangements with respect to the payment of the tuition fee amount shall, by agreement, set the dates by which the tuition fee amount is to be paid.

PART VIII School Year

School holidays

23(1) The following days are school holidays:

- (a) Saturdays and Sundays;
 - (b) Family Day, Good Friday, Victoria Day, Labour Day, Thanksgiving Day and Remembrance Day;
 - (c) any day proclaimed as a holiday by the Governor General or the Lieutenant Governor.
- (2) When Remembrance Day falls on a Saturday or Sunday, the Monday following that day is to be observed as the school holiday.
- (3) A holiday declared by the mayor of a city, town or village or the reeve of a rural municipality in which a school is situated is not a school holiday unless the board of education or conseil scolaire declares it to be.

- (4) Notwithstanding subsection (1), one or more Saturdays may be declared to be school days by resolution of the board of education or conseil scolaire.

Vacation periods

24 The following vacation periods are to be observed in each year:

- (a) a Christmas vacation, which is to commence not later than December 23 and end not earlier than January 2;
- (b) a spring vacation consisting of not more than five consecutive school days;
- (c) a summer vacation that is at least six consecutive weeks from the last school day in one school year to the first school day in the following school year.

Instructional time

25 Instructional time is any time in which pupils of a school are in attendance and under teacher supervision for the purpose of receiving instruction in an educational program, including work experience programs, parent-teacher-pupil conferences, examinations, and other learning activities provided by the board of education or conseil scolaire.

Non-instructional time

26 Non-instructional time is any time:

- (a) when pupils of a school are not in attendance but teachers are present at the school or at another site agreed to by the board of education or conseil scolaire; or
- (b) when teachers are present at the school and pupils of the school are in attendance at school but are not receiving instruction in an educational program.

School day

27(1) A school day shall consist of not less than five hours of:

- (a) instructional time;
 - (b) non-instructional time; or
 - (c) a combination of instructional time and non-instructional time.
- (2) Each school day on which instruction is given to pupils must include:
- (a) a recess period of 15 minutes, or break periods amounting to 15 minutes, in each of the morning and the afternoon; or
 - (b) a recess period or break periods amounting to 30 minutes.

School year

28(1) In each school year, every board of education and the conseil scolaire shall provide at least:

- (a) 950 hours of instructional time for Grades 1 to 12; and
 - (b) 475 hours of instructional time for kindergarten.
- (2) Subject to subsection (1), a board of education or the conseil scolaire may allow for fewer than five school days in a week.

Notice of school calendar

29 On or before May 1 in each year, every board of education and the conseil scolaire shall notify the minister of, and publish information for employees, trustees, parents and pupils respecting, the school calendar for the next school year, including holidays, vacation periods, school hours of operation, kindergarten hours of operation, instructional days and non-instructional days.

PART IX
Educational Program

Courses

30 The courses that may be used in schools are those authorized by the minister and issued in curriculum guides, bulletins or directives.

Instructional time per course

31 The principal, in consultation with the teachers and the director, or a person designated in writing by the director, shall determine the instructional time to be allocated to each course, within the guidelines issued by the minister.

Classification of courses

32 The ministry shall determine the prerequisites and number of credits associated with each course.

Registered independent schools

33 A pupil enrolled in a registered independent school is eligible for secondary level credits if:

- (a) the school is under the supervision of the ministry; and
- (b) the ministry has approved:
 - (i) the educational program and courses for pupils receiving instruction at the secondary level;
 - (ii) the qualifications of the teachers instructing those pupils; and
 - (iii) the arrangements for evaluating the work of those pupils.

PART X
Examinations

Interpretation of Part

34 In this Part:

“accredited teacher” means a teacher who meets the requirements for accreditation established by the ministry and set out in the ministry’s policy statement on accreditation;

“composite mark” means the sum of:

- (a) the mark assigned by the teacher on the basis of work and examinations out of a maximum total of 60; and
- (b) the mark earned by the student on a provincial examination, in accordance with this Part, out of a maximum total of 40.

Examinations

- 35(1)** The ministry may provide examinations for any subject at any level and may prescribe the manner in which those examinations are to be used.
- (2) Grade 12 provincial examinations are to be held in any subjects and format and at any times and places that the ministry may determine.
- (3) The ministry shall prescribe procedures for the conduct of provincial examinations.
- (4) If a candidate violates any examination procedures prescribed pursuant to subsection (3), the ministry may cancel the candidate's examination paper and may prohibit the candidate from writing any provincial examination for a period of not more than two years.
- (5) Pursuant to clause 175(2)(k) of the Act, the principal, as the presiding officer, shall arrange for the accommodation and supervision of candidates writing provincial examinations.

Final standings

- 36(1)** In this section, "**adult**" means a person who is at least 18 years of age and who has been out of school for at least one year.
- (2) Subject to clause 175(2)(k) of the Act, the final standings of pupils are to be determined by the teacher:
- (a) in kindergarten to Grade 11; and
- (b) in Grade 12 subjects in which provincial examinations are not prepared.
- (3) Immediately after final standings have been determined or changed, the principal shall submit to the ministry, in a form approved by the ministry, the marks of all pupils taking subjects in Grades 10, 11 and 12.
- (4) The principal of the school shall sign and issue a statement of standing for Grade 10 or 11 to pupils who have successfully completed the requirements for that grade.
- (5) In Grade 12 subjects in which provincial examinations are prepared, the final standing of a pupil is:
- (a) in the case of a pupil of an accredited teacher, determined by the teacher, subject to clause 175(2)(k) of the Act;
- (b) in the case of a pupil of a teacher who is not an accredited teacher, the pupil's composite mark;
- (c) in the case of an adult who prepares for a provincial examination by home-study, determined by the mark obtained in the provincial examination.
- (6) The final standing of a pupil writing a supplemental examination is determined by the mark obtained on that examination.

Appeal

37(1) A pupil who has written a provincial examination, other than a machine-scored examination, and has a composite mark of over 42% may appeal to have his or her provincial examination paper reread.

(2) No pupil may appeal with respect to more than two subjects at any examination sitting.

(3) A pupil shall lodge an appeal within two weeks of the mailing of examination results.

Supplemental examination

38(1) A pupil may write a provincial supplemental examination to raise his or her mark in a Grade 12 subject in which a provincial examination is prepared.

(2) Pupils taught a Grade 12 subject by an accredited teacher may elect to write either a teacher-prepared comprehensive supplemental examination or a provincial supplemental examination.

(3) A pupil who elects to write a teacher-prepared supplemental examination shall give the teacher any notice of his or her intention that may be required by the principal of the school pursuant to clause 175(2)(k) of the Act.

(4) Pupils may write provincial examinations as supplemental examinations in any number of subjects during a regular examination sitting.

Examination procedures

39 In accordance with the procedures prescribed by the ministry pursuant to subsection 35(3), teachers, presiding officers and examiners shall:

- (a) be responsible for the security of all examination booklets;
- (b) not retain any booklets following the examination;
- (c) not keep any record of any items appearing in any booklets; and
- (d) immediately after the examination:
 - (i) account for and forward to the ministry all envelopes containing answer papers, together with the tally sheets; and
 - (ii) forward all unused examination booklets to the director or the superintendent of the board of education or conseil scolaire.

PART XI
Designated Schools

Interpretation of Part

40(1) In this Part:

“designated” means designated in accordance with subsection 180(3) of the Act;

“designated program” means a Type A French Language Program or a Type B Immersion/Bilingual Program;

“designated school” means a school that has been designated as a school in which a designated program is offered;

“full-time equivalent pupil” means one pupil from that number of pupils obtained by multiplying the number of pupils enrolled in a program by the percentage of instructional time devoted to instruction in a language other than English, to a maximum of:

- (a) 75% of the instructional time available in a school week in the case of pupils enrolled in kindergarten to Grade 6; and
- (b) 60% of the instructional time available in a school week, in the case of pupils enrolled in Grades 7 to 12;

“parents’ council” mean a parents’ council formed in accordance with section 41;

“Type A French Language Program” means a program of instruction:

- (a) in which:
 - (i) French is the language of instruction for all courses except English and, subject to section 46, may be the sole language of instruction from kindergarten to Grade 2; and
 - (ii) provision is made for activities that emphasize French-Canadian culture; and
- (b) provided in the whole or a portion of a facility that assures its self-contained operation and administration;

“Type B Immersion/Bilingual Program” means a program of instruction in which:

- (a) French is the language of instruction for at least 50% of the instructional time or, subject to section 46, may be the sole language of instruction for all courses; and
- (b) provision may be made for complementary francophone cultural activities.

(2) If a Type A French Language Program has been designated, the administration and operation of the program shall be conducted in French but, if requested by parents, guardians, members of the teaching staff or administrative officials, the intent of administrative and operational procedures and directives shall be communicated in English.

(3) If a Type B Immersion/Bilingual Program has been designated, the administration and operation of the program may be conducted in French but, if requested by parents, guardians, members of the teaching staff or administrative officials, the intent of administrative and operational procedures and directives shall be communicated in English.

Parents’ council

41(1) In a school division, the parents and guardians of the pupils enrolled or to be enrolled in a designated program on the written application to the board of education form the parents’ council.

- (2) The parents’ council shall act in an advisory capacity to:
 - (a) the board of education; and
 - (b) the school community council.

Designation of schools and programs

42(1) A board of education may of its own initiative, or shall in the circumstances mentioned in subsection (2), request that the minister recommend to the Lieutenant Governor in Council that a school be designated and that a specific designated program be established, continued or expanded in that designated school.

(2) A board of education shall act in accordance with subsection (1) if, before the December 15 preceding the school year in which the designated program is proposed to begin, continue or be expanded, the board of education receives a written request, from or by means of one of the following, asking that the school be designated and that a specific type of designated program be established, continued or expanded in that designated school:

- (a) from a school community council;
- (b) from the parents or guardians of 15 or more pupils eligible for enrolment in the program in the proposed school year;
- (c) by means of a petition from a parents' council representing the parents or guardians of 15 or more pupils.

(3) A board of education that is empowered or required pursuant to this section to make a request to the minister shall submit the request to the minister before the February 15 preceding the school year in which the designated program is to begin, continue or be expanded, together with a plan that outlines:

- (a) the implementation, continuance or expansion of the designated program;
- (b) the resources to be provided; and
- (c) the administrative structure to be employed.

(4) The minister shall recommend to the Lieutenant Governor in Council that a school be designated if:

- (a) the minister receives a request for the designation of the school before the February 15 preceding the school year in which the designated program is to begin, continue or be expanded by a board of education acting in accordance with subsection (3) or by the governing body of a registered independent school;
- (b) the school:
 - (i) will have at least 15 pupils enrolled in each instructional grouping; or
 - (ii) will offer only a designated program; and
- (c) the minister is satisfied that:
 - (i) a designated program of the specific type proposed can be operated for at least three consecutive years; and
 - (ii) if the school will offer only a designated program, adequate provision has been made for the education of pupils who do not wish to enrol in the designated program.

(5) If the minister makes a recommendation to the Lieutenant Governor in Council, the Lieutenant Governor in Council shall designate the school and shall specify:

- (a) the type of designated program;
- (b) the grade level; and
- (c) the school year or years during which the order is to be effective.

(6) The board of education shall provide for the additional needs of the designated program in its allocation of staff and resources.

Consultation required

43 A board of education shall develop the plan mentioned in subsection 42(3) in consultation with the parents' council or, if applicable, with the school community council.

Enrolment in designated school

44(1) In this section, "**non-resident pupil**" means a person whose declared place of residence in Saskatchewan is outside the boundaries of the school division in which that person is provided with educational services by a designated school.

(2) Subject to subsections (3) and (4), the parents or guardian of a pupil may enrol the pupil in a designated program in a designated school outside the pupil's attendance area, by applying to the board of education in the pupil's attendance area, if:

- (a) there is no designated program appropriate to a pupil's grade level available in the pupil's attendance area; or
- (b) the ministry confirms that the specific type of designated program established in a pupil's attendance area is of a different type than the designated program in which the parents or guardian of the pupil wish the pupil to be enrolled.

(3) If the entitlement described in subsection (2) is to be exercised with respect to the attendance of a pupil at a designated school located:

- (a) in the same school division in which the parents or guardian resides, the board of education shall make the necessary arrangements for the enrolment of the pupil;
- (b) outside the school division in which the parents or guardian resides, the board of education shall, on its own initiative or with the assistance of the ministry, arrange for the enrolment of the pupil; or
- (c) outside the attendance area in which the parents or guardian resides, the board of education in whose local attendance area the parents or guardian resides shall assume full organizational and financial responsibility for the transportation of the pupil if the pupil:

- (i) is in kindergarten to Grade 8; and
- (ii) travels a distance greater than the maximum distance travelled by pupils in non-designated schools in established attendance areas in the school division.

(4) Notwithstanding subsection (3), if the ministry confirms that the requested type of designated program is available within the school division or attendance area in which the parents or guardian resides, the board of education may choose not to arrange for attendance of a pupil at a designated school outside the division.

(5) A board of education shall not charge a non-resident pupil a tuition fee to enrol in a designated program in a designated school under its jurisdiction.

Language other than English

45 Notwithstanding sections 42 to 44, a board of education or the governing body of a registered independent school may, by resolution, approve the use of a language other than English as a language of instruction in any specified school in its jurisdiction to a maximum of 100% of the instructional time at the kindergarten level and to a maximum of 50% of the instructional time at other division levels.

Provision of English courses

46 If a language other than English has been authorized as a language of instruction pursuant to section 42 or 45, approved English language courses are to be provided at all grade levels beginning not later than Grade 3.

PART XII
School Operations

Flag

47(1) Every board of education and the conseil scolaire shall provide:

- (a) a flagstaff for each school;
- (b) a flag of Canada for display on the flagstaff; and
- (c) one or more flags for display within each school.

(2) The relative size of the flagstaff provided for each school and the flag of Canada to be displayed on that flagstaff are required to conform to the sizes set out in Table 1.

(3) Every board of education and the conseil scolaire shall make provision for the raising and lowering of the flag on each school day.

Learning resources and library services

48(1) A board of education and the conseil scolaire shall establish policies concerning:

- (a) subject to subsection (2), the selection of textbooks, library books, reference books and other learning resources;
- (b) the procedure by which a person may challenge the inclusion or exclusion of specific textbooks, library books, reference books and other learning resources; and
- (c) the procedures to be used to ensure that pupils have access to the textbooks, library books, reference books and other learning resources that they need to complete their course requirements.

(2) Subject to subsection (3), if the minister has prescribed textbooks, library books, reference books or other learning resources, a board of education and the conseil scolaire shall ensure their use in schools.

(3) If a board of education or the conseil scolaire requests an exception to the prescribed textbooks, library books, reference books or other learning resources, the minister may approve its use of alternative textbooks, library books, reference books or other learning resources.

(4) A board of education or the conseil scolaire may, in accordance with policies established pursuant to clause (1)(a), approve other textbooks, library books, reference books or other learning resources to be provided at the expense of the board of education or the conseil scolaire, as the case may be.

(5) A board of education and the conseil scolaire shall:

- (a) provide school library services; and
- (b) establish policies and standards governing school libraries.

Driver education

49(1) For the purposes of section 189 of the Act, a board of education and the conseil scolaire shall only offer a driver education and training program that is approved by the person designated as administrator pursuant to *The Traffic Safety Act*.

(2) Every board of education and the conseil scolaire shall retain an official record of pupil participation in the driver education and training program offered in its schools.

(3) Every board of education and the conseil scolaire shall submit to the minister at least once each year, in the form required by the minister, a record of every pupil who participates in the driver education and training program offered in its schools.

Report re irregular attendance

50 Form K is the form to be used for reports and referrals pursuant to section 161 of the Act.

Annual reports re attendance problems

51 Form L is the form to be used for the report to be submitted to the ministry by the local attendance counsellor pursuant to clause 160(2)(e) of the Act.

Student record of secondary level standing

52 An applicant shall pay the fees set out in Table 2:

- (a) for the search of a student record of secondary level standing; and
- (b) for the provision of a duplicate student record of secondary level standing.

PART XIII Special Education

Interpretation of Part

53 In this Part:

“**assessment**” means assessment as defined in subsection 178(1) of the Act;

“**guideline**” means the guideline respecting assessments that is established by the minister pursuant to subsection 178(2) of the Act, as that guideline is amended from time to time;

“parent or guardian”, with respect to a child, means a parent or guardian who has lawful custody of the child;

“pupil with intensive needs” means pupil with intensive needs as defined in subsection 178(1) of the Act.

Identification of pupil with intensive needs

54(1) Subject to subsection (2), if the teacher or the principal of a pupil is of the opinion that the pupil is unable, without special accommodation, to benefit from the regular program of instruction provided in the school, the principal may refer the matter to the director of the board of education or the conseil scolaire, as the case may be, or to the director’s designate, for an assessment of the pupil.

(2) Before making a referral pursuant to subsection (1), the teacher or principal shall confer with the pupil’s parent or guardian.

(3) The parent or guardian of a child may, on his or her own initiative, contact the principal to request that an assessment be conducted if the parent or guardian is of the opinion that the child is unable, without special accommodation, to benefit from the regular program of instruction provided in the school or that, for similar reasons, the child has not been registered to attend school.

(4) On receipt of a request pursuant to subsection (3), the principal shall refer the matter to the director of the board of education or the conseil scolaire, as the case may be, or to the director’s designate, for an assessment of the child.

(5) On receipt of a referral pursuant to subsection (1) or (4), the director, or the director’s designate, shall direct that an assessment be conducted to determine, as the case requires:

(a) whether the pupil who is the subject of the referral is a pupil with intensive needs; or

(b) whether the child who is the subject of the referral, if registered in the school division or the division scolaire francophone, as the case may be, would be a pupil with intensive needs.

(6) Assessments must be conducted in accordance with the guideline.

(7) The director, or the director’s designate, shall confer with the parent or guardian of the pupil or child, and may confer with the principal, teacher, pupil or child, with respect to the results of the assessment and any recommendations for changes to the regular program of instruction provided in the school to benefit the pupil or child concerned.

(8) The director, or the director’s designate, shall review at least annually the educational services and program of instruction being provided to a pupil with intensive needs who is registered with the school division or the division scolaire francophone, as the case may be.

(9) A board of education or the conseil scolaire shall submit to the minister, in the form and at the times requested by the minister, the information requested by the minister respecting pupils with intensive needs.

(10) On the request of a parent or guardian of a child who is three years of age or older but less than compulsory school age, the minister may identify that child on the basis of an assessment as a pupil with intensive needs and place that pupil in an appropriate program of instruction in or outside Saskatchewan.

Reviews

55 For the purposes of section 178.1 of the Act, the right to a review does not apply if the disagreement with respect to the placement of the child is based on:

- (a) parental preference as to the location of the delivery of the program;
- (b) parental convenience;
- (c) other factors unrelated to the impact of the location of the educational instruction on the child's education and development;
- (d) location within an educational institution;
- (e) any other reason that relates to or is similar in nature to those listed in clauses (a) to (d); or
- (f) an allegation of discrimination pursuant to *The Saskatchewan Human Rights Code* or the *Canadian Charter of Rights and Freedoms*.

Service delivery

56(1) A board of education or the conseil scolaire shall:

- (a) make available programs and supports for pupils with intensive needs, at no cost to parents or guardians, and may provide those services for preschool aged children identified as pupils with intensive needs pursuant to subsection 54(10);
 - (b) ensure that the services described in clause (a) are provided by individuals with the qualifications required pursuant to the guideline; and
 - (c) in accordance with the guideline, provide instruction, a curriculum and an inclusive learning environment that, in the opinion of the board of education or the conseil scolaire, are appropriate in relation to the pupils with intensive needs.
- (2) Subject to subsections (3) and (4), if a board of education or the conseil scolaire enters into an agreement pursuant to clause 178(13)(b) of the Act, the board of education or the conseil scolaire shall pay, on behalf of the pupil with intensive needs:
- (a) the actual tuition fees; and
 - (b) the approved rates for room and board and for transportation.
- (3) If a board of education provides educational services to a pupil with intensive needs outside the attendance area for the school district in which the pupil resides but within the school division, the board of education shall pay the approved rates for room and board and for transportation, as the case requires, on behalf of the pupil with intensive needs.
- (4) If the conseil scolaire provides educational services to a pupil with intensive needs outside the attendance area for the francophone school in which the pupil resides but within the same francophone education area, the conseil scolaire shall pay the approved rates for room and board and for transportation, as the case requires, on behalf of the pupil with intensive needs.
- (5) A board of education or the conseil scolaire is not responsible for the cost of educational services provided to a pupil with intensive needs who is placed in a public institution by an authority other than an educational authority.

(6) No pupil is to be identified as a pupil with intensive needs on any electronic data system maintained by the ministry over which the minister presides unless the board of education employs teachers, support staff and other professionals with qualifications acceptable to the minister to provide educational services and programming to meet the learning needs of the pupil.

PART XIV
Teachers and Certain Support Staff

Forms – contract offer, acceptance, confirmation, termination

57(1) Form M is the form for use by a board of education or the conseil scolaire as a notice of termination of a contract with a teacher pursuant to:

- (a) clause 210(1)(a) and subsection 210(2) of the Act; or
- (b) clause 210(1)(c) or (d) of the Act.

(2) Form N is the form for use by a board of education or the conseil scolaire as a notice of termination of a contract with a teacher pursuant to clause 210(1)(b) of the Act.

(3) For the purposes of section 200 of the Act, with respect to temporary teaching contracts:

- (a) Form O is the form for use by the director as an offer;
- (b) Form P is the form for use by a teacher to accept an offer; and
- (c) Form Q is the form for use by the director as a notice of confirmation of a teaching contract.

(4) For the purposes of section 200 of the Act, with respect to replacement teaching contracts:

- (a) Form R is the form for use by the director as an offer;
- (b) Form S is the form for use by a teacher to accept an offer; and
- (c) Form T is the form for use by the director as a notice of confirmation of a teaching contract.

(5) For the purposes of section 200 of the Act, with respect to any other teaching contract:

- (a) Form U is the form for use by the director as an offer;
- (b) Form V is the form for use by a teacher to accept an offer; and
- (c) Form W is the form for use by the director as a notice of confirmation of a teaching contract.

(6) Forms M to W apply, with any necessary modification, to the conseil scolaire.

Educational assistants

58 Subject to the prior approval of the board of education or conseil scolaire, as the case may be, the principal or a teacher designated by the principal shall determine the duties of an educational assistant and shall specify those duties in writing.

Noon-hour supervision

59 Every board of education and the conseil scolaire shall take any steps that it considers necessary with respect to designating a responsible person to remain at schools during the noon hour.

PART XV
Teacher Classification Board

Board members

60(1) The Teacher Classification Board continued pursuant to section 271 of the Act consists of:

- (a) one person who is employed in the Ministry of Education and who is appointed by the minister;
 - (b) two persons who are appointed by the federation; and
 - (c) two persons who are appointed by the association.
- (2) In addition to the member appointed pursuant to clause (1)(a), if the minister considers it advisable, the minister may appoint not more than two additional persons to be members of the board.
- (3) Each member of the board:
- (a) holds office for a period not exceeding three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and
 - (b) is eligible for reappointment.

Vacancy

61(1) If a vacancy occurs among the members of the board appointed pursuant to section 60, the relevant person or organization shall fill the vacancy by appointing another representative for:

- (a) the remainder of the term of the person who vacated the office; or
 - (b) for the term mentioned in subsection 60(3).
- (2) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

Quorum

62(1) A majority of the members of the board constitutes a quorum of the board for the transaction of business.

(2) An act or thing done by a majority of members of the board present at a meeting of the board, if the members present are a quorum, is deemed to have been done by the board.

Meetings

63(1) Subject to subsection 64(1), the board shall meet at least once each year at the time and place specified by the chairperson of the board.

(2) The member of the board appointed pursuant to clause 60(1)(a) shall be the chairperson of the board.

Appeals

64(1) If a regularly scheduled meeting of the board is not to occur within 60 days after the board receives a written notice of appeal respecting a teacher's salary classification pursuant to *The Teacher Salary Classification Regulations*, the board shall schedule a meeting to hear the appeal within 30 days after receiving the written notice of appeal.

(2) Within 30 days after hearing an appeal, the board shall provide a copy of its determination respecting the teacher's salary classification, together with written reasons, to:

- (a) the appellant; and
- (b) the employing board of education or conseil scolaire.

Remuneration and reimbursement

65(1) Subject to subsection (2), members of the board are entitled to:

- (a) remuneration for their services at the rates approved by the Lieutenant Governor in Council; and
- (b) reimbursement for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.

(2) A member of the board who is also a member of the public service of Saskatchewan is not eligible to receive remuneration, but may be reimbursed for expenses in accordance with the rates paid to members of the public service of Saskatchewan.

(3) Sections 84 and 85 and Table 4 do not apply to members of the board.

PART XVI
Finance

School tax forms

66(1) Form X is the form to be used for a declaration respecting the designation of school taxes for the purposes of subsections 53(2) and 296.1(1) of the Act.

(2) Form Y is the form to be used for a notice of school tax designation pursuant to subsection 296.1(2) of the Act.

Assessed value of certain properties

67 For the purposes of subsection 300(1) of the Act, the formula described in that subsection is to be applied to the assessed value of the properties described in that subsection as those properties existed on the assessment roll, as amended following the sitting of the last court of revision excluding any court of revision dealing with supplemental assessments, for the year preceding the year with respect to which the formula is applied.

Investments through trust companies

68 With the minister's approval, a board of education may invest 20% or less of its guaranteed short-term investments through approved trust companies to a maximum of the lesser of:

- (a) 2% of the value of the board's assets; and
- (b) \$60,000.

Property classes

69(1) The property classes defined in this section are established pursuant to subsection 288(1) of the Act.

(2) **“Agricultural property class”** means land and improvements classified as:

(a) Non-arable (Range) Land and Improvements, which includes only land and improvements, other than occupied dwellings:

(i) for which the predominant potential use is as range land or pasture land, determined as the best use that could reasonably be made of the majority of the surface area; or

(ii) the majority of the surface area of which is not developed for any use, has been left in or is being returned to its native state or cannot be used for agricultural purposes; or

(b) Other Agricultural Land and Improvements, which includes only land and improvements, other than occupied dwellings:

(i) for which the predominant potential use is cultivation, determined as the best use that could reasonably be made of the majority of the surface area;

(ii) used for dairy production, raising poultry or livestock, producing poultry or livestock products, bee-keeping, seed growing or growing plants in an artificial environment; or

(iii) used for other agricultural purposes, except for land and improvements classified as Non-arable (Range) Land and Improvements.

(3) **“Commercial and industrial property class”** means:

(a) land and improvements used or intended to be used:

(i) for business purposes, including land and improvements for office, wholesale, retail, service, hotel, motel, industrial and manufacturing activities, transportation, communications and utilities; or

(ii) for institutional, government, recreational or cultural purposes;

(b) Elevators, which includes only:

(i) land and improvements designed and used for receiving, processing and shipping grains, oilseeds and special forages, and licensed by the Canadian Grain Commission; and

(ii) land and improvements used in conjunction with the land and improvements described in subclause (i);

(c) Railway Rights of Way, which includes only railway roadway and railway superstructure; or

(d) land and improvements not specifically included in another property class.

- (4) **“Resource property class”** means:
- (a) land and improvements designed, built, being built, used or intended to be used for the extraction of a mineral resource, including land and improvements associated with petroleum oil wells and gas wells, batteries, satellites, gas plants and compressor stations, whether or not the property is in operation; or
 - (b) a pipeline and other land and improvements used in conjunction with a pipeline.
- (5) **“Residential property class”** means land and improvements classified as:
- (a) Residential, which, except for land and improvements classified as Multi-unit Residential or Seasonal Residential, includes only land and improvements used or intended to be used for, or in conjunction with, a residential purpose, including vacant land subdivided into lots for residential use, provided that where land is used as a yardsite in conjunction with a purpose mentioned in clause (2)(a) or (b), three acres of that land is to be classified as Residential;
 - (b) Multi-unit Residential, which includes only:
 - (i) land and improvements designed and used for or intended to be used for, or in conjunction with, a residential purpose and to accommodate four or more self-contained dwelling units within a parcel, or in the case of a condominium, any part of a parcel within the meaning of *The Condominium Property Act, 1993* that is used for a residential purpose; and
 - (ii) vacant land zoned for use for multiple dwelling units; or
 - (c) Seasonal Residential, which includes:
 - (i) only land and improvements:
 - (A) used or intended to be used for, or in conjunction with, both residential and recreational purposes;
 - (B) located in:
 - (I) communities predominantly of a resort nature, in parks, or in rural areas;
 - (II) a recreational subdivision; or
 - (III) the Northern Saskatchewan Administration District outside the boundaries of towns, northern villages, northern hamlets and northern settlements;
 - (C) normally used for a maximum of six months in any year, as determined by the assessor; and
 - (D) not being the principal residence in Canada of the occupant; and
 - (ii) land and improvements for seasonal camps.
- (6) For the purposes of this section and sections 70 and 71:
- (a) the terms **“assessor”**, **“building”**, **“business”**, **“improvement”**, **“land”**, **“pipeline”**, **“property”**, **“occupant”**, **“railway roadway”** and **“railway superstructure”** have the meanings ascribed to them pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, as the case requires;

(b) “**mineral**” means any non-viable substance formed by the processes of nature, irrespective of chemical or physical state and both before and after extraction, but does not include any surface or ground water, agricultural soil or sand or gravel; and

(c) “**mineral resource**” means any mineral deposit that may be found on, in or under any lands in Saskatchewan, including without limitation any reservoir of oil, gas, or oil and gas and any ore body containing any mineral.

Multiple-use property

70(1) If one use of any property is clearly distinct from the property’s predominant use and is not integrated with or directly related to the property’s predominant use, the assessor may:

(a) determine that portions of the property that include more than one use, or portions of the property’s assessment, belong to different classes established pursuant to these regulations; and

(b) apportion the assessed value of the property among those classes.

(2) Pursuant to section 175 of *The Cities Act*, section 205 of *The Municipalities Act* or section 226 of *The Northern Municipalities Act, 2010*, as the case requires, if the assessor determines that portions of any property, or portions of the property’s assessment, belong to different classes established pursuant to these regulations, the property may be entered more than once in the assessment roll for the purpose of indicating the assessed value of each portion of the property within a class.

Date of classification

71(1) Subject to subsections (2) and (3), in each year as of January 1, properties, and the assessments of properties, are to be classified as belonging to the classes established pursuant to these regulations.

(2) A new improvement or a newly subdivided parcel is to be classified as of the date that it is added to the assessment roll.

(3) If there is a change in the use of a property, the property is to be classified as of the date that the change is made to the assessment roll.

Separate school division bylaw to determine own levy

72 December 1, 2009 is the date prescribed for the purposes of subsection 288.1(5) of the Act.

PART XVII
School Division Buildings

Selection of school site

73 When selecting a school site, a board of education or the conseil scolaire shall consider with respect to the proposed school site:

(a) present and future enrolment requirements;

(b) the location with respect to school population, traffic and other hazards, distracting noises and other sensory or environmental nuisances;

(c) the adequacy of level play areas;

(d) the site drainage, soil conditions and land contours as they affect construction and landscaping;

- (e) the shape of the school site; and
- (f) the health and safety of the pupils.

Water and sewage

74 If there is no municipal waterworks or sewage system, a board of education or the conseil scolaire shall ensure that the proposed school site is to be provided with an adequate water supply and sewage disposal.

Area of site

75(1) Subject to subsection (2), a school site acquired for a new school or for an existing school that is being enlarged is required to have an area that is not less than the area shown in Table 3 for the maximum enrolment of pupils projected by the board of education or conseil scolaire for that school.

(2) The minister may, in writing, authorize a board of education or the conseil scolaire to acquire a smaller area than the area prescribed in subsection (1) for a school.

(3) If a board of education or the conseil scolaire has acquired a school site adjoining other property that can be used for physical education purposes and has written assurance from the owner of that other property with respect to the permanent use of that other property, the board of education or conseil scolaire may include that other property to make up the area requirements as outlined in subsection (1).

(4) If a play area is located next to a busy street or natural hazard such as a steep ravine, a creek or a lake, a suitable fence is to be provided to separate the play area from the hazard.

Advertising

76 Advertising for construction tenders for new school division buildings, or for renovations, major repairs or additions to school division buildings, is not to be commenced until written approval of the drawings and specifications has been received from the minister.

Construction

77(1) Construction of school division buildings is not to be commenced until:

- (a) title to the building site or a long-term lease acceptable to the minister has been secured; and
- (b) written approval of final costs, financing, final drawings and specifications, including any addenda that may have been issued in the meantime, has been received from the minister.

(2) The minister's approval must be obtained before any existing building is purchased for use by a board of education or the conseil scolaire.

Plans and specifications

78(1) A board of education or the conseil scolaire shall submit preliminary plans and specifications for new school division buildings to the minister for approval before the preparation of final drawings and specifications.

(2) Before submitting final drawings and specifications to the minister for new school division buildings, or for renovations, major repairs or additions to school division buildings, a board of education or the conseil scolaire shall secure the approval of any other provincial regulatory body whose approval is required.

(3) Changes from the approved final drawings and specifications and costs for school division buildings are subject to approval by the minister and by any other provincial regulatory body whose approval is required.

Design

79(1) The design and construction of a new school division building, or renovations, major repairs or additions to school division buildings, must comply with the edition of the National Building Code of Canada, including revisions, variations and modifications to it, declared to be in force pursuant to *The Uniform Building and Accessibility Standards Act* and the regulations made pursuant to that Act.

(2) Standards with respect to dimensions, heating, lighting, ventilation, sanitation, acoustics, fire protection, safety and adequacy of accommodation for the pupils and the users of the building are required to conform to ministry guidelines.

(3) The design and planned arrangement:

(a) of additions to school buildings and new school buildings must incorporate features and fixtures for the accommodation of physically disabled pupils;

(b) of school renovations must, if possible, take into account the requirements of physically disabled pupils.

Acquisition of property

80(1) The amount prescribed is:

(a) \$75,000 for the purposes of clause 344(4)(a) of the Act; and

(b) \$200,000 for the purposes of clause 344(4)(b) of the Act.

(2) The amount prescribed is:

(a) \$75,000 for the purposes of clause 344(5)(a) of the Act;

(b) \$200,000 for the purposes of clause 344(5)(b) of the Act;

(c) \$75,000 for the purposes of clause 344(5)(c) of the Act; and

(d) \$200,000 for the purposes of clause 344(5)(d) of the Act.

Disposal of property

81(1) For the purposes of subsection 347(2) of the Act, the amount prescribed is:

(a) \$50,000 for personal property; and

(b) \$100,000 for real property.

- (2) For the purposes of subsection 347(3) of the Act, the amount prescribed is:
- (a) \$50,000 for personal property; and
 - (b) \$100,000 for real property.

Tenders re transportation services

82 For the purposes of subsection 355(1) of the Act, the amount prescribed is \$75,000.

Policy re acquisitions and dispositions

83(1) Every board of education and the conseil scolaire shall establish a policy respecting acquisitions and dispositions by the board of education or conseil scolaire pursuant to sections 344, 347 and 355 of the Act.

(2) In its policy, a board of education or the conseil scolaire may set lesser amounts for the purposes of sections 344, 347 and 355 of the Act than those prescribed in sections 80 to 82 of these regulations, in which case the board of education or conseil scolaire shall call for tenders or arrange for a public auction based on the lesser amounts.

PART XVIII

**Remuneration and Expenses of Members of Boards, Commissions,
Committees and Councils**

Remuneration

84 Honoraria are payable to members of boards, commissions, committees and councils and to persons for services rendered in accordance with Table 4.

Expenses

85 Expenses payable to persons mentioned in section 84 are payable in accordance with the types of expenses and in the amounts payable to employees of the public service.

PART XIX

Education Scholarship Fund

Interpretation of Part

86 In this Part:

“**leadership team**” means a team of individuals established within a school for the purpose of nominating pupils for a scholarship;

“**recipient**” means a recipient of a scholarship;

“**scholarship**” means a scholarship mentioned in section 87.

Scholarships

87 The following scholarships are to be paid by the minister to recipients out of the Education Scholarship Fund in accordance with the Act and these regulations:

- (a) the Prince of Wales and Duchess of Cornwall Scholarship;
- (b) the Queen’s Diamond Jubilee Scholarship.

Prince of Wales and Duchess of Cornwall Scholarship

88(1) In this section, “**scholarship**” means the Prince of Wales and Duchess of Cornwall Scholarship.

- (2) Each fiscal year, the minister may award 20 scholarships of \$500 each.
- (3) Scholarships are to be paid to each recipient in the recipient's Grade 12 year.

Queen's Diamond Jubilee Scholarship

89(1) In this section, "**scholarship**" means the Queen's Diamond Jubilee Scholarship.

- (2) Each fiscal year, the minister may award six scholarships of \$1,000 each.
- (3) Scholarships are to be paid to each recipient after the recipient has registered for and been accepted to attend his or her first term of studies at an approved post-secondary educational institution.

Nominations

90(1) To be eligible for a scholarship, a pupil must be nominated for a scholarship by the leadership team of the school in which the pupil is enrolled.

- (2) Leadership teams may nominate pupils who are:
 - (a) enrolled in Grade 11 in the school; and
 - (b) eligible to enrol in Grade 12 in the school in the following school year.
- (3) In nominating a pupil, a leadership team must consider whether the pupil:
 - (a) has demonstrated school-based and community-based leadership;
 - (b) has personal responsibilities outside of school, including parenting, employment or any other family-related activity;
 - (c) in the opinion of the leadership team, requires financial support; and
 - (d) has demonstrated academic performance or improvement.
- (4) Nominations for scholarships must be:
 - (a) received by the minister in the form required by the minister and within the time set by the minister; and
 - (b) accompanied by:
 - (i) a letter of nomination from the leadership team; and
 - (ii) a portfolio organized by the leadership team reflecting the pupil's background.

Selection of recipients

91(1) The minister shall select the scholarship recipients for each fiscal year from the nominations received by the minister for that fiscal year.

- (2) Not more than one recipient from the same school shall be selected for the same scholarship in any fiscal year.
- (3) The minister shall advise each recipient and the recipient's school, in writing, of the awarding of the scholarship.

PART XX
School Closure or Discontinuance of Grades or Years

Terms and conditions

92(1) In this section, “**nearest school**” means the closest school that:

- (a) is operated by the same board of education as the school under review; and
- (b) has the capacity to accommodate the pupils attending the school under review.

(2) A board of education may only carry out a review of a school pursuant to section 87.2 of the Act if:

- (a) for pupils in kindergarten to Grade 8 who are enrolled in the school:
 - (i) the nearest school is not more than 40 kilometres from the school under review, based on the shortest route by regularly maintained roads;
 - (ii) at least 90% of those pupils live within 75 minutes of the nearest school if travelling by motor vehicle under normal driving conditions; and
 - (iii) the board of education arranges for alternative transportation that minimizes the transportation time for those pupils who live more than 75 minutes from the nearest school; and
- (b) projected enrolment for the school under review for the following school year is less than:
 - (i) for a school offering kindergarten to Grade 4 only, 25 pupils;
 - (ii) for a school offering kindergarten to Grade 5 only, 30 pupils;
 - (iii) for a school offering kindergarten to Grade 6 only, 37 pupils;
 - (iv) for a school offering kindergarten to Grade 7 only, 44 pupils;
 - (v) for a school offering kindergarten to Grade 8 only, 51 pupils;
 - (vi) for a school offering kindergarten to Grade 9 only, 58 pupils;
 - (vii) for a school offering kindergarten to Grade 12, 88 pupils.

(3) The board of education shall bear the cost of the alternative transportation mentioned in subclause (2)(a)(iii).

Review criteria

93 In carrying out a review of a school pursuant to section 87.2 of the Act, the board of education may consider all or any of the following:

- (a) the physical condition of the school;
- (b) the operational cost per pupil;
- (c) the number of grades combined in each classroom;
- (d) any additional criteria that the board of education considers relevant to the review.

Board policies

94(1) Any policies established by a board of education respecting the carrying out of a school review pursuant to section 87.2 of the Act must be posted on the website of the board of education.

(2) Every amendment made to the policies mentioned in subsection (1) must be posted on the website of the board of education within 30 days after the date on which the amendment is made, together with notice of the amendment.

Provision of information

95(1) If a board of education passes a motion in accordance with subclause 87.5(1)(a)(i) of the Act to consider the possible closure of a school or discontinuance of one or more grades or years taught in the school, the board of education, within seven days after passing the motion, shall send the following information, by ordinary mail, to the school community council and to the parents of all pupils registered with the school:

- (a) a list identifying all potential receiving schools;
- (b) the options for the transportation of pupils to and from the potential receiving schools.

(2) The board of education shall post the information provided pursuant to subsection (1) on the website of the board of education within the seven-day period mentioned in subsection (1).

School review committee

96(1) If a school community council fails to appoint four of its members to a school review committee in accordance with clause 87.4(2)(a) of the Act, the board of education shall appoint the number of members from the school community council to the school review committee that the school community council has failed to appoint.

(2) If a party mentioned in clause 87.4(2)(b), (c) or (d) of the Act fails to appoint an individual to a school review committee in accordance with clause 87.4(2)(b), (c) or (d) of the Act, as the case may be, the school review committee shall be constituted without a member appointed by that party.

(3) By November 1 of the year in which the school review committee is established, the board of education shall provide the following information to the school review committee and to the school community council:

- (a) the enrolment history of the school since January 1, 2006;
- (b) the projected enrolment for the school for the following five school years, and the source of this data;
- (c) the current number of teaching and non-teaching staff at the school;
- (d) the projected number of teaching staff based on:
 - (i) the projected enrolment mentioned in clause (b); and
 - (ii) the policies of the board of education;
- (e) information respecting the physical condition of the school;
- (f) any other information that the board of education plans to consider in reviewing the school.

- (4) The school review committee may provide advice and recommendations to the board of education with respect to the school review process, including a recommendation to consider the discontinuance of one or more grades or years taught in the school as an alternative to closing the school.
- (5) The school review committee shall:
- (a) acquaint itself with the school review process adopted by the board of education, including the review criteria and the data sources to be used to evaluate the school against the review criteria;
 - (b) for each potential outcome of the school review, describe the impact that the outcome will have on the pupils and the community;
 - (c) share the information obtained pursuant to subsection (3) with the community, and request written feedback from the community in light of that information; and
 - (d) share with the board of education the feedback received pursuant to clause (c), and the recommendations of the committee in light of that feedback.
- (6) The school review committee shall appoint a chairperson, a vice-chairperson and a secretary from among its members.
- (7) Members of the school review committee are not entitled to remuneration for their services on the committee.
- (8) All meetings between the board of education and the school review committee shall take place in the attendance area in which the school under review is located, unless the board of education and the school review committee agree on another meeting location.
- (9) Following the review of the school, the school review committee is dissolved on the earlier of:
- (a) the day on which the board of education decides not to further consider the closure of the school or the discontinuance of one or more grades or years taught in the school; and
 - (b) the day after the day on which the board of education holds a meeting of the electors of the school community council pursuant to subsection 87.5(2) of the Act.

PART XXI

Schools of Opportunity

Designation

- 97(1)** The minister may designate a school as a school of opportunity in accordance with section 87.8 of the Act if:
- (a) the school to be closed is the only school operated by the board of education within that school district;
 - (b) by March 1 of the year in which the closure of the school is to come into effect, representatives of the community in which the school is located apply to the minister to designate the school as a school of opportunity and submit to the minister a proposal for the school prepared in accordance with subsection (2); and

- (c) in the minister's opinion, the proposal received pursuant to clause (b) demonstrates an economic plan that could result in increased enrolment at the school by the end of the third school year following the year of designation, such that the minimum enrolment requirement for the school as set out in section 99 could be achieved.
- (2) Any proposal submitted to the minister pursuant to clause (1)(b) must be in writing and must contain the following information:
- (a) the proposed grade configuration for the school;
 - (b) a school profile containing:
 - (i) the information provided by the board of education to the school review committee and the school community council in accordance with subsection 96(3); and
 - (ii) the following information obtained from the school:
 - (A) peer group size for the school, by grade and gender;
 - (B) average classroom size;
 - (C) cultural and recreational activities at the school;
 - (D) course offering, by grade;
 - (c) a list of businesses and employers in the community, including their addresses, a description of the primary business of each and a profile of the workforce of each;
 - (d) future plans and opportunities for businesses and employers in the community, including:
 - (i) the identification of actual business expansion plans;
 - (ii) the identification of the forces driving business expansion;
 - (iii) the identification of the risks associated with business expansion;
 - (iv) the projected expansion of the workforce and any projected change in the profile of the workforce;
 - (v) the projected timeline for the expansion of the workforce; and
 - (vi) the projected impact of workforce expansion on the number of pupils enrolled in the school;
 - (e) a summary of the strategic plan for the municipalities in the school district, including:
 - (i) a description of business and community partnerships that will enhance and sustain growth in the community and that will maintain a healthy community;
 - (ii) municipal infrastructure plans and initiatives to support and enhance growth in the community; and
 - (iii) financing arrangements to support full implementation of the plans and initiatives mentioned in subclause (ii);

- (f) benefits to the school, including:
 - (i) the expected increase in the number of preschool and school aged children in the community;
 - (ii) a rationale as to why the increased economic development will result in an increase in the number of pupils enrolled in the school by the end of the third school year following the year of designation, and beyond; and
 - (iii) the expected increase in the value of the school, including a description of the enhanced community and business partnerships with the school;
 - (g) the data sources and methodology used, if applicable, for all quantitative information provided pursuant to this subsection;
 - (h) the data sources and methodology to be used in any report prepared pursuant to section 98.
- (3) By May 15 of the year in which the closure of the school is to come into effect, the minister shall advise the applicants and the board of education:
- (a) whether or not the school is being designated as a school of opportunity; and
 - (b) if the school is being designated as a school of opportunity, the grade configuration and period for which the school is being designated.

Review of designation

98(1) Within the twentieth month and the thirty-second month after the month in which the school is designated as a school of opportunity, the applicants shall submit a written report to the minister that provides an update with respect to:

- (a) the business expansion plans and municipal initiatives described in the proposal submitted to the minister pursuant to section 97; and
 - (b) the number of preschool and school aged children residing in the school district.
- (2) If either one of the reports mentioned in subsection (1) is not received by the minister within the period specified in subsection (1) for that report, the minister may remove the designation of the school as a school of opportunity.
- (3) At any time during the period in which a school is designated as a school of opportunity, the applicants who applied in the first instance to have the school designated as a school of opportunity may apply to the minister, in writing, to have the designation removed.
- (4) On receipt of a request pursuant to subsection (3), the minister may remove the designation of the school as a school of opportunity, which shall be effective on the first school day of the following school year.

Minimum enrolment requirements

99 For a school to remain open on the expiry or removal of the designation of the school as a school of opportunity, the school must meet the following minimum enrolment requirement:

- (a) for a school offering kindergarten to Grade 4 only, 25 pupils;
- (b) for a school offering kindergarten to Grade 5 only, 30 pupils;

- (c) for a school offering kindergarten to Grade 6 only, 37 pupils;
- (d) for a school offering kindergarten to Grade 7 only, 44 pupils;
- (e) for a school offering kindergarten to Grade 8 only, 51 pupils;
- (f) for a school offering kindergarten to Grade 9 only, 58 pupils;
- (g) for a school offering kindergarten to Grade 12, 88 pupils.

PART XXII

Repeal and Coming into Force

R.R.S. c.E-0.1 Reg 1 repealed

100 *The Education Regulations, 1986* are repealed.

Coming into force

101(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Registered Teachers Act* comes into force.

(2) If these regulations are filed with the Register of Regulations after the day on which section 1 of *The Registered Teachers Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

Appendix**PART 1
Tables****TABLE 1**
[Section 47]**Flags**

Length of Flag Pole (metres)	Size of Flag (metres)
5.50 to 6.50	1.0 X 2
9.75 to 11.50	1.5 X 3
13.00 to 14.75	2.0 X 4
16.23	2.5 x 5

TABLE 2
[Section 52]**Student Records - Fees**

Service	Fee
Student record of secondary level standing:	
(a) for search and provision of duplicate record:	
(i) up to three copies to pupil and one or more copies to not more than four institutions; or	\$20.00
(ii) one or more copies to not more than five institutions	\$20.00
(b) for each additional copy ordered at the time that the search mentioned in clause (a) is requested	\$2.00
(c) for search and written notification that no record exists	\$20.00

TABLE 3
[Section 75]**Area of Site**

Maximum Enrolment	Area of Site (hectares)
less than 300	1.2 to 2.4
300	2.4 to 2.8
400	2.8 to 3.2
500	2.8 to 3.6
700	3.2 to 4.4
1 000	4.0 to 5.7

Plus 0.4 hectare for each additional 100 pupils

TABLE 4
[Section 84]

Honoraria

Type	Rate
1. Members of curriculum committees: Attending writing workshops or conducting in-service workshops for the ministry..... Serving as consultants, not more than.....	\$30 per day \$75 per day
2. Members of special advisory committees, boards, commission and councils designated as: (a) High responsibility chairperson..... member (b) Medium responsibility chairperson..... member (c) Moderate responsibility chairperson..... member	\$235 per day \$155 per day \$155 per day \$110 per day \$95 per day \$70 per day
3. Teachers serving on special committees appointed to prepare or validate Grade 12 examinations..... Sub-examiners and appeal readers Special consultant for examination adaptation and/or revision	\$150 per day \$7.50 per exam to a maximum of \$150 per day \$150 per day to a maximum of \$300 per paper
4. Educational Relations Board: chairperson..... member Chief Executive Officer Mediators, conciliators and arbitrators appointed by the board as approved by the board, not more than	\$75 per hour \$155 per day \$750 per annum \$500 per day
5. Boards of Reference: Chairperson	Not more than \$500 per day

PART 2
Forms

FORM A
[Subsection 49(5) of the Act]
[Subsection 3(1) of the Regulations]

Petition for Establishment of Separate School Division

To the Minister of Education:

The undersigned electors petition, pursuant to subsection 49(3) of *The Education Act, 1995*, for the establishment of the _____
(Protestant/Roman Catholic) Separate School Division and declare as follows:

1. The undersigned are (Protestant/Roman Catholic) and are electors of the _____ School District established pursuant to section 120 of the Act within the _____ School Division No. _____ of Saskatchewan.*
2. The undersigned constitute a committee for the purpose of securing the establishment of the proposed separate school division.
3. A plan is attached showing the boundaries of the proposed separate school division.
4. A list is attached containing the names and locations of electors of the school district who are of the same religious faith as the petitioners.
5. The (following/attached) information reasonably demonstrates that the electors named in the attached list represent a minority of electors of the school district.

Dated at _____, Saskatchewan this _____ day of _____, 20 __ .

	Name and Address of Secretary:

(Signatures)

* To qualify as an elector of the school district, you must: be a Canadian citizen, be at least 18 years of age, have lived in Saskatchewan for at least the past six months, and have lived in the school district for at least the past three months.

FORM B

[Subsection 49(7) of the Act]
[Subsection 3(2) of the Regulations]

Notice of Meeting of Electors

Petition to establish the _____
(Protestant/Roman Catholic) Separate School Division.

Take notice that a meeting of the (Protestant/Roman Catholic) electors of the _____ School District* will be held as follows for the purpose of enabling the electors to consider the petition:

Date: _____

Time: _____

Location: _____

Dated this _____ day of _____, 20 ____ .

(Secretary of Petitioners)

* To qualify as an elector of the school district, you must: be a Canadian citizen, be at least 18 years of age, have lived in Saskatchewan for at least the past six months, and have lived in the school district for at least the past three months.

FORM C

[Subsection 49(9) of the Act]
[Subsection 3(3) of the Regulations]

Declaration of Elector

Meeting to consider petition to establish the _____
(Protestant/Roman Catholic) Separate School Division.

I declare as follows:

1. I am an elector of the _____
School District.*
2. I am of the same religious faith as the petitioners for the establishment of the separate school division named above.

Dated at _____, Saskatchewan this _____ day of _____, 20 ____ .

(Signature of Elector)

* To qualify as an elector of the school district, you must: be a Canadian citizen, be at least 18 years of age, have lived in Saskatchewan for at least the past six months, and have lived in the school district for at least the past three months.

FORM D

[*Clause 50(5)(d) of the Act*]

[*Subsection 3(4) of the Regulations*]

Notice of Poll

Petition to establish the _____
(Protestant/Roman Catholic) Separate School Division.

Take notice that a poll with respect to the above-noted petition will be held on
the _____ day of _____, 20____, from 10:00 a.m. to 8:00 p.m., at the
following location: _____
_____.

I will attend to receive representations and appoint electors to represent supporters
and opponents of the petition on the _____ day of _____, 20____,
from _____ to _____, at the following location: _____
_____.

Dated this _____ day of _____, 20 ____.

(*Returning Officer*)

FORM E
 [Clause 50(7)(a) of the Act]
 [Subsection 3(5) of the Regulations]

Elector's Declaration Form

Poll with respect to petition to establish the _____
 (Protestant/Roman Catholic) Separate School Division.

Name: _____

Street address or location of residence: _____

Complete the following by marking an 'X' beside the statements that are correct:

1. I am a Canadian citizen.
2. I am of the full age of 18 years.
3. I have not previously voted in this poll.
4. I have resided in Saskatchewan for at least six months.
5. I have resided for at least three months on land within the boundaries of the proposed separate school division.
6. I am of the same religious faith as the petitioners for the establishment of the separate school division.

I declare that the information given by me with respect to the foregoing statements is true in all respects.

Dated this _____ day of _____, 20 ____ .

Witness:

Elector:

 (Returning Officer or Poll Clerk)

Remarks: _____

 Consecutive Number: _____

FORM F
 [Subsection 50(9) of the Act]
 [Subsection 3(6) of the Regulations]

Ballot

Poll with respect to petition to establish the _____
 (Protestant/Roman Catholic) Separate School Division.

Note: Mark your ballot by placing an 'X' in the circle to the right of the words that express your intention. Do not write any word or other figure on this ballot.

For the establishment of the proposed separate school division:



Against the establishment of the proposed separate school division:



FORM G
 [Subsection 50(12) of the Act]
 [Subsection 3(7) of the Regulations]

Record of Poll

Poll with respect to petition to establish the _____
 (Protestant/Roman Catholic) Separate School Division.

For establishment of the separate school division: _____

Against establishment of the separate school division: _____

BALLOT ACCOUNT

Category of Ballot	Number of Ballots
Counted (no objection)	_____
Counted (objected to)	_____
Rejected (no vote marked)	_____
Rejected (other)	_____
Spoiled and Declined	_____
SUBTOTAL	
Unused Ballots	_____
Total ballots supplied	_____

The number of electors who have voted as indicated in the poll book: _____

I certify that the above statements are correct.

Dated this _____ day of _____, 20 ____ .

 (Returning Officer)

FORM H

[Subsection 50(13) of the Act]
 [Subsection 3(8) of the Regulations]

Appointment of Representative

I appoint:

Name: _____

Address: _____

as a representative to attend at the polling place and at the counting of the votes for the poll to be held on the _____ day of _____, 20 ____, on behalf of electors interested in:

 supporting opposing

the petition for the establishment of the proposed _____
 (Protestant/Roman Catholic) Separate School Division.

Dated at _____, Saskatchewan this _____ day of _____, 20 __ .

 (Returning Officer)

FORM I

[Subsection 71(1) of the Act]
 [Subsection 6(1) of the Regulations]

Declaration of Office

I, _____, do hereby accept the office of member of the Board of Education of the _____ School Division No. _____ of Saskatchewan, to which I have been elected (in Sub-division No. _____),
 (if applicable)

and I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as a member.

Dated at _____, Saskatchewan this _____ day of _____, 20 __ .

 Member, Board of Education

FORM J

[Subsection 71(2) of the Act]
 [Subsection 6(2) of the Regulations]

Endorsement Certificate by Commissioner for Oaths

I, _____, of _____, Saskatchewan,
 do hereby certify that _____, a person elected as a member of the
 Board of Education of the _____ School Division No. _____
 (for Sub-division No. _____ (if applicable)), has this day made
 before me the required declaration of office.

Dated at _____, Saskatchewan, this _____ day of _____, 20 __ .

 A Commissioner for Oaths

FORM K

[Subsection 161(3) of the Act]
 [Section 50 of the Regulations]

Principal's Report of Irregular Attendance

To: _____
 (Local Attendance Counsellor)

Re: _____
 (School) (School Division)

The pupil named below has been absent for more than four days during the month
 of _____, 2 _____. In my opinion, this absence was not justified.

Name of pupil _____

Birth date _____ Age _____ Grade (Year) _____

Name of Parent or Guardian _____

Address of Parent or Guardian _____

Distance from School or Bus Route _____

Dates Absent _____

Principal's Comments _____

Dated at _____, Saskatchewan, this _____ day of _____, 20 __ .

FORM L

[Clause 160(2)(e) of the Act]
[Section 51 of the Regulations]

Report of Local Attendance Counsellor to the Ministry of Education

For the period July 1, 2____, to June 30, 2____ in the _____
School Division No. _____, legal proceedings were instituted in the
following cases (*give name of pupil, parents' names and address, and judgment and comments*):

Local Attendance Counsellor

FORM M

[Clause 210(1)(a) and Subsection 210(2) of the Act]
[Clause 210(1)(c) or (d) of the Act]
[Subsection 57(1) of the Regulations]

Notice of Termination of Contract

I have been instructed to inform you that the Board of Education of the _____
School Division No. _____, at a regular (*or special*) meeting held on
the _____ day of _____, 20____, adopted a resolution terminating
your contract as a teacher with the Board of Education effective on the _____ day
of _____, 20_____.

Pursuant to subsection 210(3) of *The Education Act, 1995*, the Board of Education
informs you that your contract is being terminated for the following reason(s):

- 1
- 2
- 3

and that, in the opinion of the Board of Education, you are unsuitable for continued
teaching service in your present position for the reason(s) stated.

This is to notify you further, in accordance with section 213 of *The Education
Act, 1995*, that you may apply within 10 days after the day of receipt of this notice
to the Board of Education for an opportunity to attend at a meeting of the Board of
Education to show cause why your contract should not be terminated.

Signed on behalf of the Board of Education of the _____
School Division No. _____ this _____ day of _____, 20_____.

Signature of proper officer of the board of education

FORM N

[Clause 210(1)(b) of the Act]
[Subsection 57(2) of the Regulations]

Notice of Termination of Contract by Reason of Redundancy

I have been instructed to inform you that the Board of Education of the _____
School Division No. _____, at a regular (or special) meeting held on
the _____ day of _____, 20 ____, adopted a resolution terminating
your contract as a teacher with the Board of Education effective on the _____ day
of _____, 20____.

Your teaching position is no longer considered by the Board of Education to be
necessary for the teaching requirements or educational programs of the school
division for the following reason(s):

1

2

3

This is to notify you further, in accordance with section 213 of *The Education Act, 1995*, that you may apply within 10 days after the day of receipt of this notice to the Board of Education for an opportunity to attend at a meeting of the Board of Education to show cause why your contract should not be terminated.

Signed on behalf of the Board of Education of the _____
School Division No. _____ this _____ day of _____, 20 ____.

Signature of proper officer of the board of education

FORM P
[Section 200 of the Act]
[Subsection 57(3) of the Regulations]

Teacher Acceptance of Temporary Contract

To: The Board of Education of the _____ School Division No. _____ .
I accept the offer of a temporary contract of employment in the _____
School Division No. _____ for a:

full-time teaching position; or

part-time teaching position;

commence on _____ , _____ ; and
(month) (day) (year)

expire on _____ .
(month) (day) (year)

I certify that:

I hold a _____ Saskatchewan teacher's certificate
Number _____ ; or

my eligibility for a Saskatchewan teacher's certificate has been
confirmed.

I have: _____ years of teaching experience in Saskatchewan; and
_____ years of teaching experience outside Saskatchewan.

I understand that I am responsible for providing evidence that is satisfactory to
the Board of Education of my years of teaching experience that are set out above.

My social insurance number is: _____ .

(signature)

(date)

(address)

(telephone number)

FORM R
 [Section 200 of the Act]
 [Subsection 57(4) of the Regulations]

Offer of Replacement Contract

This letter constitutes an offer of a replacement contract of employment to you by the Board of Education of the _____ School Division No. _____ for a:

full-time teaching position; or

part-time teaching position.

This offer is conditional on you holding a valid Saskatchewan teacher's certificate.

The contract is for the purposes of replacing _____
(name)

who is on a leave of absence for the academic year set out below.

Your duties, as set out in *The Education Act, 1995*,

commence on _____ , _____ ; and
(month) (day) (year)

expire on _____ .
(month) (day) (year)

The Board of Education of the _____ School Division No. _____.

 (address of Board of Education)

 Per: Director

 (date)

FORM T

[Section 200 of the Act]

[Subsection 57(4) of the Regulations]

Board of Education Confirmation of Replacement Contract

The Board of Education of the _____ School Division No. _____ confirms your acceptance of the offer of the Board of Education of a replacement contract of employment for a:

full-time teaching position; or

part-time teaching position.

The contract is for the purposes of replacing _____
(name)

who is on a leave of absence for the academic year set out below.

Your duties, as set out in *The Education Act, 1995*,

commence on _____ , _____ ; and
(month) (day) (year)

expire on _____ .
(month) (day) (year)

The Board of Education of the _____ School Division No. _____.

(address of Board of Education)

Per: Director

(date)

FORM V
[Section 200 of the Act]
[Subsection 57(5) of the Regulations]

Teacher Acceptance of Contract

To: The Board of Education of the _____ School Division No. _____ .

I accept the offer of a contract of employment in the _____

School Division No. _____ for a:

full-time teaching position; or

part-time teaching position;

commencing on _____ , _____ .
(month) (day) (year)

I certify that:

I hold a _____ Saskatchewan teacher's certificate
Number _____ ; or

my eligibility for a Saskatchewan teacher's certificate has been
confirmed.

I have: _____ years of teaching experience in Saskatchewan; and
_____ years of teaching experience outside Saskatchewan.

I understand that I am responsible for providing evidence that is satisfactory to
the Board of Education of my years of teaching experience that are set out above.

My social insurance number is: _____ .

(signature)

(date)

(address)

(telephone number)

FORM W

[Section 200 of the Act]

[Subsection 57(5) of the Regulations]

Board of Education Confirmation of Contract

The Board of Education of the _____ School Division No. _____ .
confirms your acceptance of the offer of the Board of Education of a contract of
employment for a:

full-time teaching position; or

part-time teaching position.

Your duties, as set out in *The Education Act, 1995*, commence on

_____, _____, _____ .
(month) (day) (year)

The Board of Education of the _____ School Division No. _____ .

(address of Board of Education)

Per: Director

(date)

FORM X
 [Subsections 53(2) and 296.1(1) of the Act]
 [Subsection 66(1) of the Regulations]

School Tax Declaration For Property Owned by Individuals

I, _____, having read the information set out in the Notes, declare as follows:

1. I am a member of the religious faith that established the _____
 (Municipality to fill in name)
 Roman Catholic/Protestant Separate School Division.

Yes No

2. My ownership share in the properties of which I am an owner in the municipality is as follows:

- (a) my ownership share in each property is _____ %; or
- (b) my ownership share is as set out below:

Property	Ownership Share (%)
----------	---------------------

 (Signature)

 (Date)

Notes:

1. Subsection 53(2) of *The Education Act, 1995* provides as follows:
 “Where the minority religious faith, whether Protestant or Roman Catholic, has established a separate school division, a property owner is to be assessed with respect to his or her property:
 - (a) in the case of a member of the minority religious faith, as a taxpayer of the separate school division;
 - (b) in any other case, as a taxpayer of the public school division.”
2. Subsection 297(1) of *The Education Act, 1995* provides that where a property is “held by two or more persons as joint tenants or tenants in common, each holder is to be assessed in proportion to his or her interest in the property in the separate or public school division of which he or she is a taxpayer for school purposes.”

FORM Y

[Subsection 296.1(2) of the Act]
 [Subsection 66(2) of the Regulations]

Notice of School Tax Designation for Corporations

NAME OF CORPORATION: _____

MAILING ADDRESS: _____

[Complete one of Parts A, B, C or D as appropriate.]

A. Notice pursuant to subsection 299(1) of *The Education Act, 1995*

TAKE NOTICE that pursuant to a resolution of the directors, the _____
 (Name of Corporation)

notifies the _____ as follows:
 (Name of Municipality)

(a) The proportion of the whole amount of the paid-up or partly paid-up shares or stock of the corporation that is held by members of the minority religious faith that established the _____

Roman Catholic/Protestant Separate School Division No. _____ is _____ % .

(b) This same percentage of the total assessment of the real property of the corporation within the municipality is to be designated for the purposes of the separate school division.

(Signature)_____
(Title)_____
(Date)**B. Notice pursuant to subsection 304(1) of *The Education Act, 1995***

TAKE NOTICE that the _____
 (Name of Corporation)

notifies the _____ that it is impossible, owing to the
 (Name of Municipality)

number of shareholders and their wide distribution in point of residence, to ascertain the proportion of the shares or stock of the corporation that is held by members of the minority religious faith that established the _____
 Roman Catholic/Protestant Separate School Division No. _____ .

Statutory Declaration

(The statutory declaration may be made by the president, vice-president or secretary of the corporation or by some other person having the management of its affairs in Saskatchewan who can testify to the facts.)

I, _____ of the _____
(Name of Municipality)

in the Province of _____, solemnly declare that:

1. I am the _____ of the _____.
(Title) (Name of Corporation)
2. I have read the above Notice and to the best of my knowledge and belief it is true in substance and in fact.
3. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE ME at

_____ }
 this ____ day of _____, 20 ____ . }
 _____ }
(Signature of person making this declaration)
 _____ }
(Mailing Address)
 _____ }
(Telephone Number)
 _____ }
(Signature and qualifications of person (eg. commissioner of oaths, notary public) before whom this declaration is made)

C. Notice pursuant to subsection 304(5) of *The Education Act, 1995*

TAKE NOTICE that the _____
(Name of Corporation)

notifies the _____ that
(Name of Municipality)

[Check One]

- all of the shareholders are members of the minority religious faith that established the _____ Roman Catholic/Protestant Separate School Division No. _____ .
- none of the shareholders is a member of the minority religious faith that established the _____ Roman Catholic/Protestant Separate School Division No. _____ .

(Signature)

(Title)

(Date)

D. Notice pursuant to section 305 of *The Education Act, 1995*

TAKE NOTICE that pursuant to a resolution of the directors, the _____
(Name of Corporation)

requires that the real property of the corporation be assessed as follows:

_____ School Division No. _____ : _____ %

_____ Roman Catholic/Protestant Separate School Division

No. _____ : _____ %

(Signature)

(Title)

(Date)

CHAPTER T-8 REG 2*The Teachers' Life Insurance (Government Contributory) Act*

Section 11

Order in Council 502/2015, dated October 14, 2015

(Filed October 16, 2015)

PART I

Preliminary Matters**Title****1** These regulations may be cited as *The Teachers' Life Insurance Regulations, 2015*.**Interpretation****2** In these regulations:**“Act”** means *The Teachers' Life Insurance (Government Contributory) Act*;**“board”** means:(a) a board of education or the conseil scolaire, as defined in *The Education Act, 1995*;(b) a board as defined in *The Regional Colleges Act*;

(c) an official trustee or the governing authority of an educational body with respect to which the minister has made, or has undertaken to make, a grant with respect to the period in which a secretary or teacher is employed; or

(d) the board of directors of the Saskatchewan Polytechnic continued pursuant to *The Saskatchewan Polytechnic Act*;**“commission”** means the Teachers' Superannuation Commission;**“commissioner”** means a member of the commission;**“employer”** means:

(a) a board;

(b) the Saskatchewan Teachers' Federation; or

(c) the Saskatchewan School Boards Association;

“executive secretary” means the executive secretary of the commission;**“grant”** means an amount paid or undertaken to be paid by the minister with respect to the daytime operation of a school;**“insurance year”** means the period commencing on September 1 in one year and ending on August 31 in the following year;

“insured person” means a person whose life is insured under an agreement entered into pursuant to the Act and who is:

- (a) a teacher;
- (b) a secretary; or
- (c) a person designated by the commission pursuant to section 12;

“minister” means the member of the Executive Council to whom for the time being the administration of the Act is assigned;

“premium” means:

- (a) in the case of a secretary, the premium calculated pursuant to the agreement mentioned in section 5 of the Act;
- (b) in the case of a teacher, the balance of the premium payable for the term insurance that, pursuant to section 6 of the Act, is payable by each teacher;

“secretary” includes a person who is employed:

- (a) by a board as a secretary, treasurer, secretary treasurer, assistant secretary, assistant treasurer or assistant secretary treasurer; or
- (b) by the Saskatchewan School Boards Association in a position that is designated by the commission;

but does not include a secretary employed on a temporary or substitute basis;

“teacher” means a person who:

- (a) holds a valid teacher’s certificate or other authorization from the Saskatchewan Professional Teachers Regulatory Board to teach in:
 - (i) a school to which *The Education Act, 1995* applies; or
 - (ii) a college to which *The Regional Colleges Act* applies;
- (b) is employed by the Saskatchewan Teachers’ Federation or the Saskatchewan School Boards Association in a position designated by the commission as requiring the professional qualifications of a teacher; or
- (c) is brought within the provisions of the Act by the Act or these regulations.

PART II

Procedures of the Commission

Calling of meetings

- 3(1) The commission shall meet as often as it requires to transact its business.
- (2) Meetings of the commission are to be called by the chairperson or fixed by resolution of the commission.

(3) The executive secretary shall provide every commissioner with written notice of the date of the meeting.

(4) Notwithstanding subsection (3), a special or emergency meeting may be held without written notice if at least four commissioners are present at the meeting.

Meetings not public

4(1) Meetings of the commission are not open to the public.

(2) No commissioner shall communicate any statement of the business of the commission except:

- (a) to another commissioner; or
- (b) when authorized by the commission.

Questions before commission

5(1) All questions are to be submitted to the commission on the motion of the chairperson or any other commissioner, and no seconder is required.

(2) Questions are to be decided by a majority of votes, but if there is a tie vote, the question is deemed to be decided in the negative.

(3) The chairperson has the right to vote on all questions.

Duties of executive secretary

6 The executive secretary shall:

- (a) keep a full and accurate record of the proceedings of every commission meeting;
- (b) have the minutes, when confirmed by the commission, signed by the commissioners who were present at the meeting to which the minutes relate;
- (c) conduct and preserve the correspondence of the commission and deal with routine correspondence in any manner that may be directed by the commission;
- (d) keep a file and complete record for every insured person;
- (e) keep any books and records that the Provincial Auditor may require;
- (f) prepare the annual report required pursuant to subsection 10(1) of the Act and any other statements required by the commission; and
- (g) perform any other duties that the commission may assign.

PART III Registration

Registration card

7(1) Every newly insured person shall complete his or her portion of the registration card supplied by the commission.

(2) The employer of every newly insured person shall:

- (a) complete its portion of the registration card mentioned in subsection (1); and
- (b) submit the card to the commission.

Annual report

8 On or before September 30 in each year, every board shall complete and submit to the commission any forms that the commission may prescribe for the purposes of reporting:

- (a) the names of all insured persons employed by it; and
- (b) any other information that the commission may require.

PART IV**Payment of Premiums****Payment of premiums**

9(1) If a person becomes an insured person after September 1 in any insurance year:

- (a) he or she is liable for premiums for the full month in which his or her employment commenced and for every other month remaining in the insurance year; and
 - (b) the employer of the insured person shall deduct from the insured person's salary the premiums mentioned in clause (a) in equal monthly instalments commencing in the month in which the insured person commenced his or her employment.
- (2) If an insured person ceases employment, or is granted a leave of absence for all or part of the remainder of the insurance year, his or her employer shall deduct any premium that is due and payable for the balance of the insurance year from the insured person's final salary payment.
- (3) If an insured person dies, his or her employer shall deduct any premium that is due and payable for the balance of the month in which the death occurred.

PART V**General****Insured person absent**

10(1) Subject to subsection (2), the commission may allow a person to be covered for insurance under the Act if the person is absent from work:

- (a) on a course of studies that is directly related to his or her work;
 - (b) because of ill health; or
 - (c) for any other purpose and period that the commission may approve.
- (2) The premium payable to the commission by a person described in subsection (1) is to be calculated based on the person's annual salary for the preceding insurance year.

Teacher absent

11 If a teacher is absent from teaching in Saskatchewan to serve as an exchange or special teacher or in a position that is approved by the commission, the premium payable to the commission by the teacher is to be:

- (a) based on the teacher's salary for the current insurance year; and
- (b) calculated in accordance with the agreement entered into pursuant to the Act.

Designation as insured person

12(1) The commission may designate any of the following as an insured person:

- (a) a teacher employed on a full-time basis by the Saskatchewan Teachers' Federation or the Saskatchewan School Boards Association in a position requiring the professional qualifications of a teacher;
- (b) a secretary employed on a full-time basis by the Saskatchewan School Boards Association in a position requiring the professional qualifications of a secretary.

(2) An insured person designated pursuant to subsection (1) shall pay the entire premium payable by him or her to the commission.

Limit on insurability

13 No person is to be insured as a teacher and as a secretary at the same time.

Forms

14 Any person claiming benefits on the death of an insured person shall complete any forms that may be supplied by the commission.

Confidentiality

15 Any information filed with the executive secretary is confidential and is not to be disclosed to any person except:

- (a) with the consent of the person to whom the information relates, or his or her agent, executor or administrator;
- (b) for any purpose connected with the administration of, or any proceedings under, the Act or these regulations.

PART VI**Repeal and Coming into Force****R.R.S. c.T-8 Reg 1 repealed**

16 *The Teachers' Life Insurance Regulations* are repealed.

Coming into force

17(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Registered Teachers Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Registered Teachers Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 84/2015*The Traffic Safety Act*

Section 287

Order in Council 500/2015, dated October 14, 2015

(Filed October 16, 2015)

Title

1 These regulations may be cited as *The Vehicle Equipment Amendment Regulations, 2015*.

R.R.S. c.V-2.1 Reg 10 amended

2 *The Vehicle Equipment Regulations, 1987* are amended in the manner set forth in these regulations.

New section 5

3 Section 5 is repealed and the following substituted:

“Emergency lights and sirens

5 Subject to sections 6 and 8, no vehicle other than an emergency vehicle shall be equipped with an emergency light or a siren”.

New section 8

4 Section 8 is repealed and the following substituted:

“Highway maintenance vehicles and snow removal equipment

8(1) When operated on a highway:

(a) highway maintenance vehicles may be fitted with one or more amber lights or beacons; and

(b) snow removal equipment while engaged in snow removal may be fitted with one or more amber flashing lights or beacons or amber and blue flashing lights or beacons.

(2) An amber or amber and blue flashing light or beacon mentioned in subsection (1) must emit a light that is visible from 125 metres on a clear night”.

Coming into force

5 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 85/2015*The Hearing Aid Sales and Services Act*

Section 24

Order in Council 503/2015, dated October 14, 2015

(Filed October 16, 2015)

Title

1 These regulations may be cited as *The Hearing Aid Sales and Services (Labour Mobility) Amendment Regulations, 2015*.

R.R.S. c.H-2.01 Reg 1, section 11 amended

2 Subsection 11(1) of *The Hearing Aid Sales and Services Regulations* is amended:

(a) by striking out “or” after clause (b); and

(b) by adding the following clauses after clause (c):

“(d) a person who produces evidence establishing to the satisfaction of the director that the person is registered as the equivalent of a hearing instrument practitioner in good standing pursuant to legislation of another jurisdiction in Canada; or

“(e) a person who produces evidence establishing to the satisfaction of the director that the person:

(i) is registered as the equivalent of a hearing instrument practitioner in good standing pursuant to legislation of a jurisdiction outside of Canada that is recognized by the minister; and

(ii) has successfully completed an education program that the director is satisfied is equivalent to that mentioned in clause (b)”.

Coming into force

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 86/2015*The Freedom of Information and Protection of Privacy Act*

Section 69

Order in Council 504/2015, dated October 14, 2015

(Filed October 16, 2015)

Title

1 These regulations may be cited as *The Freedom of Information and Protection of Privacy (Miscellaneous Designations) Amendment Regulations, 2015*.

R.R.S. c.F-22.01 Reg 1 amended

2 *The Freedom of Information and Protection of Privacy Regulations* are amended in the manner set forth in these regulations.

Section 13 amended

3 **Clause 13(b) is repealed and the following substituted:**

“(b) section 94, 95 or 97 of *The Child Care Regulations, 2015*”.

Appendix, Part I amended

4 **Part I of the Appendix is amended:**

(a) by adding “Athletics Commission” after “Agricultural Operations Review Board”; and

(b) by adding “Creative Saskatchewan” after “Board of Revenue Commissioners”.

Coming into force

5 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 87/2015*The Pension Benefits Act, 1992*

Section 69

Order in Council 505/2015, dated October 14, 2015

(Filed October 16, 2015)

Title

1 These regulations may be cited as *The Pension Benefits (Regina Civic Employees) Amendment Regulations, 2015*.

R.R.S. c.P-6.001 Reg 1 amended

2 *The Pension Benefits Regulations, 1993* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Clause 2(1)(r) is repealed and the following substituted:**

“(r) **‘special payments’** means payments mentioned in clause 36(3)(b) or (c), subsection 36(4), subsection 36.7(2), clause 36.8(6)(a), (7)(a) or (8)(a), subsection 36.8(9), clause 36.8(10)(b), subsection 36.8(11) or clause 36.92(5)(b) or (6)(a) or (b)”.

Section 13 amended

4 **Subclause 13(1)(h)(ii) is amended by adding “or subsection 36.92(7)” after “subsection 36.7(3)”.**

Section 36 amended

5(1) **Subsection 36(1) is amended by striking out “and section 36.7” and substituting “and sections 36.7 and 36.92”.**

(2) **Clause 36(2)(b) is amended by striking out “sections 36.7 and 36.8” and substituting “sections 36.7, 36.8 and 36.92”.**

(3) **Subsection 36(3) is amended in the portion preceding clause (a) by striking out “section 36.7” and substituting “sections 36.7 and 36.92”.**

(4) **Subsection 36(4) is amended:**

(a) **by striking out the portion preceding clause (a) and substituting the following:**

“The employer may elect to make, instead of the special payments mentioned in clauses (3)(b) and (c), subsection 36.7(2) or clause 36.92(5)(b) or (6)(a) or (b), at least monthly payments expressed in such a manner that:”; **and**

(b) **in clause (b) by striking out “or subsection 36.7(2)” and substituting “, subsection 36.7(2) or clause 36.92(5)(b) or (6)(a) or (b)”.**

(5) **Clause 36(7)(b) is repealed and the following substituted:**

“(b) further special payments may be reduced on a prorated basis over the remainder of the applicable period mentioned in subsection (3), subsection 36.7(2) or clause 36.92(5)(b) or (6)(a) or (b)”.

(6) Subsection 36(9) is amended by striking out the portion preceding clause (a) and substituting the following:

“Subject to subsection 36.92(14), the rate of amortization of an unfunded liability or solvency deficiency established pursuant to subsection (3) or (4), subsection 36.7(2) or clause 36.92(5)(b) or (6)(a) or (b) may be increased at any time by:”.

(7) Subsection 36(10) is repealed and the following substituted:

“(10) Notwithstanding subsection (3), subsection 8(3), subsection 36.7(2) or subsection 36.92(5) or (6), if a plan is reviewed or the latest review revised pursuant to subsection 8(3), the amortization periods mentioned in clauses (3)(b) and (c), subsection 36.7(2) and clauses 36.92(5)(b) and (6)(a) and (b) shall be treated as commencing from the date on which the amendment is made”.

New sections 36.92 to 36.95

6 The following sections are added after section 36.91:

“The Regina Civic Employees’ Superannuation and Benefit Plan

36.92(1) In this section and in sections 36.93 to 36.95:

(a) **‘initial actuarial valuation report’** means an actuarial valuation report filed in relation to the plan:

(i) that reviews the plan taking into account the effect of the plan documents mentioned in subclause (2)(b)(iii); and

(ii) that, notwithstanding subsection 8(3), has a review date of December 31, 2014;

(b) **‘initial unfunded liability’** means, in relation to the plan, the amount by which the plan’s going concern liabilities exceed its going concern assets, established in the initial actuarial valuation report;

(c) **‘plan’** means The Regina Civic Employees’ Superannuation and Benefit Plan, registered pursuant to the Act as number 0268425;

(d) **‘solvency deficiency payments’** means the special payments required to be paid pursuant to clause 36(3)(c);

(e) **‘surplus’** means, in relation to the plan, the amount by which the plan’s going concern assets exceed its going concern liabilities.

(2) This section and sections 36.93 to 36.95 apply to the plan if, on or before January 1, 2016, the administrator files with the superintendent:

(a) an executed copy of a City of Regina bylaw that repeals Bylaw 3125;

(b) the following plan documents that are effective January 1, 2016:

(i) a sponsorship agreement:

(A) that:

(I) is substantially similar to the draft sponsorship agreement submitted to the superintendent dated September 21, 2015;

-
- (II) sets out the duties, powers and operation of the Committee and the Sponsor Board, as each of 'Committee' and 'Sponsor Board' is defined in the draft sponsorship agreement; and
 - (III) includes all appendices to the draft sponsorship agreement; or
 - (B) that is otherwise acceptable to the superintendent;
 - (ii) a trust agreement:
 - (A) that:
 - (I) is substantially similar to the draft trust agreement submitted to the superintendent dated September 21, 2015; and
 - (II) sets out the duties of the administrator and the terms of the trusteeship of the pension fund; or
 - (B) that is otherwise acceptable to the superintendent; and
 - (iii) a plan text:
 - (A) that:
 - (I) is substantially similar to the draft plan text submitted to the superintendent dated September 21, 2015; and
 - (II) appends the funding policy; or
 - (B) that is otherwise acceptable to the superintendent; and
 - (c) the initial actuarial valuation report.
- (3) For the purposes of subclause 16(1)(a)(v) of the Act and with respect to the plan, the documents mentioned in clause (2)(b) are prescribed documents.
- (4) The administrator shall, within 90 days after the day on which this section comes into force, provide written notice that the plan will be funded in accordance with this section to all of the following:
- (a) the superintendent;
 - (b) each member;
 - (c) each former member;
 - (d) any other person who is entitled to a benefit pursuant to the plan.
- (5) Notwithstanding clause 36(3)(b), with respect to the initial unfunded liability:
- (a) the employer is not required to pay any special payments otherwise required to be made pursuant to clause 36(3)(b) with respect to any unfunded liability that was established in an actuarial valuation report or cost certificate that is filed in relation to the plan and that has a review date before December 31, 2014; and

- (b) the employer shall pay into the plan payments consisting of equal payments made at least monthly that are sufficient to amortize the initial unfunded liability of the plan over a period not exceeding 20 years from January 1, 2016.
- (6) Notwithstanding clause 36(3)(b), with respect to an unfunded liability that is established in an actuarial valuation report or cost certificate that is filed in relation to the plan and that has a review date that is after that of the initial actuarial valuation report, an employer shall, instead of making special payments mentioned in clause 36(3)(b), pay into the plan:
- (a) if the unfunded liability is with respect to benefits accrued before January 1, 2016, payments consisting of equal payments made at least monthly that are sufficient to amortize the unfunded liability over a period not exceeding the greater of:
- (i) 20 years from January 1, 2016; and
 - (ii) 10 years from the review date; and
- (b) if the unfunded liability is with respect to benefits accrued on or after January 1, 2016, payments consisting of equal payments made at least monthly that are sufficient to amortize the unfunded liability over a period not exceeding 10 years from the review date relating to the establishment of the unfunded liability.
- (7) If an actuarial valuation report with a review date of December 31, 2014 or later is filed, or if a cost certificate with respect to an actuarial valuation report with a review date of December 31, 2014 or later is filed:
- (a) clause 36(3)(c) no longer applies to the plan;
 - (b) any solvency deficiency established in that actuarial valuation report or cost certificate or in any previous actuarial valuation report or cost certificate does not need to be amortized;
 - (c) any solvency deficiency payments that would have been required to be paid pursuant to clause 36(3)(c) are not required to be paid;
 - (d) the commencement of the amortization period mentioned in clause (5)(b) may be deferred to a day that is not later than January 1, 2017;
 - (e) the commencement of the amortization period mentioned in clause (6)(a) or (b), as the case may be, may be deferred to a day that is not later than one year from the review date; and
 - (f) the commencement of the payments with respect to employer contributions pursuant to clause 36(3)(a) may be deferred to a day that is not later than one year from the review date.
- (8) If the commencement date of the amortization period mentioned in clause (5)(b) or (6)(a) or (b), as the case may be, has been deferred pursuant to clause (7)(d) or (e):
- (a) the amortization period mentioned in clause (5)(b) or (6)(a) or (b), as the case may be, must be decreased by a period equal to the period for which the commencement of the payments has been deferred; and

(b) the actuarial present value of all of the payments over the amortization period beginning on January 1, 2017 for the purposes of clause (5)(b), or the amortization period selected for the purposes of clause (6)(a) or (b), as the case may be, must be equal to the actuarial present value of the payments required to be paid pursuant to the applicable clause.

(9) If the commencement date of the payments with respect to employer contributions mentioned in clause 36(3)(a) has been deferred pursuant to clause (7)(f):

(a) the amount of the employer contributions mentioned in clause 36(3)(a) must, on the commencement date of the payments, be increased to take into account the amount of the payments that have been deferred pursuant to clause (7)(f); or

(b) the amount of the payments that have been deferred must be included in the value of the going concern liabilities of the plan that are to be determined and reported in an actuarial valuation report or cost certificate prepared in accordance with clause 10(2)(h).

(10) Notwithstanding subsection (7), the administrator shall ensure that:

(a) any solvency deficiency and the solvency ratio of the plan continue to be determined and reported in an actuarial valuation report or cost certificate prepared in accordance with clauses 10(2)(d) and (e);

(b) the actuarial valuation report or cost certificate mentioned in clause (a) includes a schedule of special payments that would have been required to be paid pursuant to clause 36(3)(c), notwithstanding that no solvency deficiency payments are required to be paid;

(c) the plan continues to comply with section 28 and any solvency ratio reported in the actuarial valuation report or cost certificate mentioned in clause (a) is used for the purposes of determining any transfer deficiency pursuant to section 28; and

(d) the plan complies with the Act and these regulations.

(11) The plan must be administered in accordance with the Act, these regulations and the plan documents mentioned in clause (2)(b) as amended from time to time.

(12) Subject to subsection (13), the administrator shall not file an amendment to the plan that increases the costs of benefits provided by the plan if:

(a) the solvency ratio of the plan as determined and reported in an actuarial valuation report with a review date of December 31, 2014 or later, or as determined and reported in a cost certificate filed with respect to an actuarial valuation report with a review date of December 31, 2014 or later, is less than 0.90; or

(b) the amendment would reduce the solvency ratio determined in accordance with subsection 8(3) and the solvency ratio would be less than 0.90 once the amendment is made.

- (13) Subsection (12) does not apply if:
- (a) the employer has remitted sufficient moneys to the plan to bring the solvency ratio to at least 0.90; or
 - (b) the amendment that increases the costs of benefits provided by the plan relates to benefit improvements that were established by a collective agreement or any other contract before the date on which this section came into force.
- (14) Notwithstanding clause 36(7)(b), the total amounts required to be paid into the plan pursuant to clause (5)(b) and clause 36(3)(a), as determined in the initial actuarial valuation report, shall not be reduced until:
- (a) the payments related to the initial unfunded liability have been made; or
 - (b) the initial unfunded liability has been eliminated.

“Plan documents to contain certain provisions

36.93 The plan documents must contain provisions that set out:

- (a) the funding objectives and risk management procedures for the plan;
- (b) the actions to be taken regarding changes to benefits and contribution rates and the timing of the actions;
- (c) the actions to be taken regarding surplus utilization and the timing of the actions; and
- (d) the party responsible for the actions mentioned in subsections (b) and (c).

“Plan documents to contain deadlock resolution mechanism

36.94(1) For the purposes of this section, “**decision**” means a decision described in subsection 4.9(e) of the sponsorship agreement mentioned in subclause 36.92(2)(b)(i), including the matters set out in the funding policy mentioned in subparagraph 36.92(2)(b)(iii)(A)(II) that are referred to in subsection 4.9(e) of the sponsorship agreement.

- (2) The plan documents must contain a provision that any decision shall be:
- (a) made by a motion or resolution passed by at least a simple majority of the votes cast by the board that has the authority to amend the plan documents with respect to a decision; and
 - (b) subject to a mechanism for resolving any deadlock.
- (3) The plan documents must set out the deadlock resolution mechanism mentioned in clause (2)(b).
- (4) Notwithstanding any provision in the plan documents, for the purposes of subsection (2), a deadlock exists:
- (a) if, due to lack of quorum at two consecutively called meetings, a motion or resolution is unable to be made; or
 - (b) when a motion or resolution made at a meeting of the board that has the authority to amend the plan documents with respect to a decision is neither adopted nor rejected by a simple majority vote.

“Plan documents to contain sponsorship agreement provisions

36.95 The plan documents must contain provisions that are substantially similar to the provisions in section 5.2 of the sponsorship agreement mentioned in subclause 36.92(2)(b)(i), including the matters set out in the funding policy mentioned in subparagraph 36.92(2)(b)(iii)(A)(II) that are referred to in section 5.2 of that sponsorship agreement”.

Coming into force

7 These regulations come into force on January 1, 2016.

SASKATCHEWAN REGULATIONS 88/2015*The Executive Government Administration Act*

Section 32

Order in Council 506/2015, dated October 14, 2015

(Filed October 16, 2015)

Title

1 These regulations may be cited as *The Employment Program Amendment Regulations, 2015*.

R.R.S. c.G-5.1 Reg 83 amended

2 *The Employment Program Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Clause 2(b) is repealed and the following substituted:**

“(b) **‘applicant’** means, subject to Part V.3, a person who is described in section 7, 11, 15, 18.3 or 18.8, as the case may be”;

Section 3 amended

4 **Clause 3(2)(c) is amended by striking out** “The Saskatchewan Assistance Regulations, being Saskatchewan Regulations 78/66” **and substituting** “*The Saskatchewan Assistance Regulations, 2014*”.

Section 18.2 amended

5 **Clause 18.2(2)(e) is amended by striking out** “*The Workers’ Compensation Act, 1979*” **and substituting** “*The Workers’ Compensation Act, 2013*”.

Section 18.5 amended

6 **Section 18.5 is amended:**

(a) **by adding the following clause after clause (h):**

“(h.1) any costs incurred by the participant for dependent care, disability needs, transportation and other special needs”; **and**

(b) **in clause (i) by striking out** “to (h)” **and substituting** “to (h.1)”.

Section 18.7 amended

7 **Clause 18.7(2)(e) is amended by striking out** “*The Workers’ Compensation Act, 1979*” **and substituting** “*The Workers’ Compensation Act, 2013*”.

New Part V.3

8 **The following Part is added after section 18.91:**

“PART V.3

“Employer-Funded Job Training

“Interpretation - Part V.3

18.92 In this Part:

(a) **‘Agreement’** means The Canada-Saskatchewan Job Fund Agreement entered into on July 29, 2014, as amended from time to time;

- (b) **'applicant'** means:
 - (i) an employer that meets the requirements of section 18.95; or
 - (ii) an organization acting on behalf of a group of employers each of which meets the requirements of section 18.95;
- (c) **'financial assistance'** means financial assistance provided pursuant to an agreement between an applicant and the minister for reimbursement of eligible training costs set out in section 18.97;
- (d) **'fiscal year'** means the period commencing April 1 in one year and ending on March 31 of the following year;
- (e) **'trainee'** means an employee or a prospective employee who:
 - (i) is identified in writing to the minister by an employer;
 - (ii) is undertaking training; and
 - (iii) meets the requirements of section 18.96;
- (f) **'training'** means training that is within the parameters of the Canada-Saskatchewan Job Grant as set out in the Agreement;
- (g) **'training provider'** means a training provider who delivers training in accordance with the Agreement.

“Criteria - Part V.3

18.93 For the purpose of providing funding for training of trainees in accordance with the Agreement, the minister may pay financial assistance to an applicant who has entered into an agreement with the minister.

“Application - Part V.3

18.94(1) An applicant who applies for financial assistance pursuant to this Part shall:

- (a) apply in a form acceptable to the minister;
- (b) if the applicant is an employer, contribute to the fees, expenses and other eligible training costs set out in subsection 18.97(2) in the manner and amount required by these regulations;
- (c) if the applicant is an organization acting on behalf of a group of employers, ensure that each of the employers on whose behalf the applicant is acting contributes to the fees, expenses and other eligible training costs set out in subsection 18.97(2) in the manner and amount required by these regulations; and
- (d) provide the minister with any information that the minister may require to determine:
 - (i) if the applicant is eligible for financial assistance pursuant to this Part; and
 - (ii) if the proposed training described in the application meets the purposes set out in section 18.93.

- (2) An applicant who is an employer shall:
- (a) set out the details of the training to be undertaken by the trainees;
 - (b) provide to the minister a written consent from each trainee for provision of personal information respecting that trainee;
 - (c) comply with audit procedures required by the minister, including the provision of information needed for evaluation and reporting;
 - (d) comply with all applicable labour legislation, including maintaining coverage pursuant to *The Workers' Compensation Act, 2013*;
 - (e) if coverage is not available pursuant to *The Workers' Compensation Act, 2013*, agree to acquire and maintain liability insurance in an amount that the minister considers satisfactory; and
 - (f) provide any other information reasonably required by the minister within the period specified by the minister.
- (3) An applicant that is an organization acting on behalf of a group of employers shall:
- (a) set out the details of the training to be undertaken by the trainees;
 - (b) provide to the minister a written consent from each trainee for provision of personal information respecting that trainee;
 - (c) ensure that each employer complies with audit procedures required by the minister, including the provision of information needed for evaluation and reporting;
 - (d) ensure that each employer complies with all applicable labour legislation, including maintaining coverage pursuant to *The Workers' Compensation Act, 2013*;
 - (e) if coverage is not available pursuant to *The Workers' Compensation Act, 2013*, ensure that each employer acquires and maintains liability insurance in an amount that the minister considers satisfactory; and
 - (f) provide any other information reasonably required by the minister within the period specified by the minister.
- (4) If the minister is satisfied that the applicant has complied with this Part, the minister may:
- (a) approve the application; and
 - (b) enter into an agreement with the applicant.

“Eligibility - Part V.3

18.95 To be eligible for financial assistance pursuant to this Part, an applicant:

- (a) if the applicant is an employer, shall meet the following criteria:
 - (i) carry on business:
 - (A) in the private or not-for-profit sector; or
 - (B) in the public sector and be considered an eligible employer in accordance with the Agreement;
 - (ii) satisfy the minister that it is carrying on business in Saskatchewan;
- (b) if the applicant is an organization acting on behalf of a group of employers, shall satisfy the minister that it is acting on behalf of employers who are eligible pursuant to clause (a).

“Eligible trainees - Part V.3

18.96 To be eligible to undertake training, a trainee must be:

- (a) a Canadian citizen;
- (b) a permanent resident of Canada; or
- (c) a protected person within the meaning of the *Immigration and Refugee Protection Act* (Canada) entitled to work in Canada.

“Amount of financial assistance - Part V.3

18.97(1) In this section, ‘**small business**’ means a business with 50 or fewer employees.

(2) Subject to subsections (3) to (5), the amount of financial assistance that the minister may pay to an applicant with respect to a written agreement is two-thirds of the cost of the following for each trainee:

- (a) tuition fees or fees charged by a training provider;
- (b) mandatory student fees;
- (c) textbooks, software and other required materials;
- (d) examination fees;
- (e) other eligible costs as defined in the Agreement.

(3) The maximum amount of financial assistance to be paid with respect to each trainee is \$10,000.

(4) If the applicant satisfies the minister that it, or if the applicant is applying on behalf of an employer, the employer, is a small business, the minister may approve a payment, in addition to the payment authorized pursuant to subsection (2), to cover the costs of the wages of each trainee, or the wages of a replacement worker for each trainee, to a maximum of \$2,500 per trainee.

(5) The maximum amount of financial assistance to be paid to or on behalf of an employer pursuant to this section is \$250,000 in each fiscal year”.

Coming into force

9 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 89/2015

The Water Security Agency Act

Section 98

Order in Council 507/2015, dated October 14, 2015

(Filed October 16, 2015)

Title

1 These regulations may be cited as *The Drainage Control Repeal Regulations*.

R.R.S. c.D-33.1 Reg 1 amended

2 *The Drainage Control Regulations* are repealed.

Coming into force

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 90/2015

The Securities Act, 1988

Section 154

Commission Order, dated October 1, 2015

and

Minister's Order, dated October 13, 2015

(Filed October 16, 2015)

Title

1 These regulations may be cited as *The Securities Commission (Adoption of National Instruments, Parts XXII and XXIII) Amendment Regulations, 2015*.

R.R.S. c.S-42.2 Reg 3 amended

2 *The Securities Commission (Adoption of National Instruments) Regulations* are amended in the manner set forth in these regulations.

Part XXII of Appendix amended

3(1) Part XXII of the Appendix is amended in the manner set forth in this section.

(2) Section 1.1 is amended:

(a) in paragraph (c) of the definition of "government debt security" by adding "in Canada" after "body";

(b) in the definition of "information processor" by adding "and, in Québec, that is a recognized information processor" after "Form 21-101F5";

(c) in subparagraph (a)(iv) of the definition of "marketplace" by striking out "," and substituting " "; and

(d) by adding the following definition after the definition of "order":

"participant dealer" means a participant dealer as defined in Part 1 of National Instrument 23-103 *Electronic Trading and Direct Electronic Access to Marketplaces*.

- (3) **Section 1.4 is amended:**
- (a) **in subsection (1) by striking out “Alberta and”; and**
 - (b) **in subsection (2) by striking out “Commodity Futures Act” wherever it appears and in each case substituting “Commodity Futures Act”.**
- (4) **Section 3.2 is amended:**
- (a) **in subsection (1) by striking out “manner set out in the Form” and substituting “manner set out in the applicable form”;**
 - (b) **by adding the following subsection after subsection (1):**

“(1.1) A marketplace that has entered into an agreement with a regulation services provider under NI 23-101 must not implement a significant change to a matter set out in Exhibit E - Operation of the Marketplace of Form 21-101F1 or Exhibit E - Operation of the Marketplace of Form 21-101F2 as applicable, or Exhibit I - Securities of Form 21-101F1 or Exhibit I - Securities of Form 21-101F2 as applicable, unless the marketplace has provided the applicable exhibit to its regulation services provider at least 45 days before implementing the change”;
 - (c) **in subsection (3) by striking out “Form by the earlier of” and substituting “applicable Form by the earlier of”; and**
 - (d) **by adding the following subsections after subsection (3):**

“(4) The chief executive officer of a marketplace, or an individual performing a similar function, must certify in writing, within 30 days after the end of each calendar year, that the information contained in the marketplace’s current Form 21-101F1 or Form 21-101F2, as applicable, including the description of its operations, is true, correct, and complete and that the marketplace is operating as described in the applicable form.

“(5) A marketplace must file an updated and consolidated Form 21-101F1 or Form 21-101F2, as applicable, within 30 days after the end of each calendar year”.
- (5) **Paragraph 4.1(1)(c) is amended by adding “unmodified” before “auditor’s report”.**
- (6) **Section 5.1 is amended by striking out “;” wherever it appears and in each case substituting “,”.**
- (7) **Section 5.2 is amended by striking out “shall” and substituting “must”.**
- (8) **Subsection 5.3(1) is amended:**
- (a) **in paragraph (a) by striking out “shall” and substituting “must”; and**
 - (b) **in paragraph (b) by striking out “shall” and substituting “must”.**
- (9) **Section 5.4 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.**
- (10) **Section 5.5 is amended by striking out “shall” and substituting “must”.**
- (11) **Section 5.7 is amended by striking out “do not interfere” and substituting “do not interfere”.**

(12) Section 5.10 is amended:

(a) in subsection (1) by striking out “;” wherever it appears and in each case substituting “;”; and

(b) by adding the following subsections after subsection (1):

“(1.1) Despite subsection (1), a marketplace may release a marketplace participant’s order or trade information to a person or company if the marketplace

(a) reasonably believes that the information will be used solely for the purpose of capital markets research,

(b) reasonably believes that if information identifying, directly or indirectly, a marketplace participant or a client of the marketplace participant is released,

(i) it is required for the purpose of the capital markets research, and

(ii) that the research is not intended for the purpose of

(A) identifying a particular marketplace participant or a client of the marketplace participant, or

(B) identifying a trading strategy, transactions, or market positions of a particular marketplace participant or a client of the marketplace participant,

(c) has entered into a written agreement with each person or company that will receive the order and trade information from the marketplace that provides that

(i) the person or company must

(A) not disclose to or share any information with any person or company if that information could, directly or indirectly, identify a marketplace participant or a client of the marketplace participant without the marketplace’s consent, other than as provided under subparagraph (ii) below,

(B) not publish or otherwise disseminate data or information that discloses, directly or indirectly, a trading strategy, transactions, or market positions of a marketplace participant or a client of the marketplace participant,

(C) not use the order and trade information, or provide it to any other person or company, for any purpose other than capital markets research,

(D) keep the order and trade information securely stored at all times,

(E) keep the order and trade information for no longer than a reasonable period of time after the completion of the research and publication process, and

(F) immediately inform the marketplace of any breach or possible breach of the confidentiality of the information provided,

- (ii) the person or company may disclose order or trade information used in connection with research submitted to a publication if
 - (A) the information to be disclosed will be used solely for the purposes of verification of the research carried out by the person or company,
 - (B) the person or company must notify the marketplace prior to disclosing the information for verification purposes, and
 - (C) the person or company must obtain written agreement from the publisher and any other person or company involved in the verification of the research that the publisher or the other person or company will
 - (I) maintain the confidentiality of the information,
 - (II) use the information only for the purposes of verifying the research,
 - (III) keep the information securely stored at all times,
 - (IV) keep the information for no longer than a reasonable period of time after the completion of the verification, and
 - (V) immediately inForm the marketplace of any breach or possible breach of the agreement or of the confidentiality of the information provided, and
- (iii) the marketplace has the right to take all reasonable steps necessary to prevent or address a breach or possible breach of the confidentiality of the information provided or of the agreement.

“(1.2) A marketplace that releases a marketplace participant’s order or trade information under subsection (1.1) must

- (a) promptly inForm the regulator or, in Québec, the securities regulatory authority, in the event the marketplace becomes aware of any breach or possible breach of the confidentiality of the information provided or of the agreement, and
- (b) take all reasonable steps necessary to prevent or address a breach or possible breach of the confidentiality of the information provided or of the agreement”.

(13) Section 5.12 is amended:

- (a) in the portion preceding paragraph (a) by striking out “.” after “the marketplace must”;**
- (b) in paragraph (b) by striking out “key services and systems” and substituting “key services or systems”;**
- (c) in paragraph (c) by striking out “key services and systems” and substituting “key services or systems”; and**
- (d) in paragraph (e) by striking out “,” after “on behalf of the marketplace”.**

(14) The following section is added after section 5.12:

“5.13 Access Arrangements with a Service Provider

If a third party service provider provides a means of access to a marketplace, the marketplace must ensure the third party service provider complies with the written standards for access that the marketplace has established pursuant to paragraph 5.1(2)(a) when providing the access services”.

(15) Section 6.1 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.

(16) Section 6.3 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.

(17) Subsection 6.7(1) is amended:

(a) in paragraph (a) by striking out “;” and substituting “;”; and

(b) in paragraph (b) by striking out “;” and substituting “;”.

(18) Section 6.9 is amended by striking out “shall” and substituting “must”.

(19) Section 6.11 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”; and

(b) in subsection (2) by striking out “shall” and substituting “must”.

(20) Section 7.1 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”; and

(b) by adding the following subsection after subsection (2):

“(3) A marketplace that is subject to subsection (1) must not make the information referred to in that subsection available to any person or company before it makes that information available to an information processor or, if there is no information processor, to an information vendor”.

(21) Section 7.2 is repealed and the following substituted:

“7.2 Post-Trade Information Transparency - Exchange-Traded Securities

“(1) A marketplace must provide accurate and timely information regarding trades for exchange-traded securities executed on the marketplace to an information processor as required by the information processor or, if there is no information processor, to an information vendor that meets the standards set by a regulation services provider.

“(2) A marketplace that is subject to subsection (1) must not make the information referred to in that subsection available to any person or company before it makes that information available to an information processor or, if there is no information processor, to an information vendor”.

- (22) Subsection 7.3(1) is amended by striking out “shall” and substituting “must”.
- (23) Section 7.4 is amended by striking out “shall” and substituting “must”.
- (24) Section 7.5 is amended by striking out “shall” and substituting “must”.
- (25) Section 7.6 is amended by striking out “shall” and substituting “must”.
- (26) Section 8.1 is amended:
- (a) in subsection (1) by striking out “shall” and substituting “must”;
 - (b) in subsection (3) by striking out “shall” and substituting “must”;
 - (c) in subsection (4) by striking out “shall” and substituting “must”;
- and
- (d) in subsection (5):
 - (i) by striking out “shall” and substituting “must”; and
 - (ii) by striking out “interdealer” and substituting “inter-dealer”.
- (27) Section 8.2 is amended:
- (a) in subsection (1) by striking out “shall” and substituting “must”;
 - (b) in subsection (3) by striking out “shall” and substituting “must”;
 - (c) in subsection (4) by striking out “shall” and substituting “must”;
- and
- (d) in subsection (5) by striking out “shall” and substituting “must”.
- (28) Section 8.3 is amended by striking out “shall” and substituting “must”.
- (29) Section 8.4 is amended by striking out “shall” and substituting “must”.
- (30) Section 10.1 is repealed and the following substituted:
- “10.1 Disclosure by Marketplaces**

A marketplace must publicly disclose, on its website, information reasonably necessary to enable a person or company to understand the marketplace’s operations or services it provides, including, but not limited to, information related to

- (a) all fees, including any listing, trading, data, co-location and routing fees charged by the marketplace, an affiliate or by a party to which services have directly or indirectly been outsourced or which directly or indirectly provides those services,
- (b) how orders are entered, interact and execute,
- (c) all order types,
- (d) access requirements,

- (e) the policies and procedures that identify and manage any conflicts of interest arising from the operation of the marketplace or the services it provides,
 - (f) any referral arrangements between the marketplace and service providers,
 - (g) where routing is offered, how routing decisions are made,
 - (h) when indications of interest are disseminated, the information disseminated and the types of recipients of such indications of interest,
 - (i) any access arrangements with a third party service provider, including the name of the third party service provider and the standards for access to be complied with by the third party service provider, and
 - (j) the hours of operation of any testing environments provided by the marketplace, a description of any differences between the testing environment and production environment of the marketplace and the potential impact of these differences on the effectiveness of testing, and any policies and procedures relating to a marketplace's use of uniform test symbols for purposes of testing in its production environment".
- (31) Section 11.1 is amended by striking out "shall" and substituting "must".**
- (32) Subsection 11.2(1) is amended:**
- (a) in the portion preceding paragraph (a) by striking out "shall" and substituting "must"; and**
 - (b) after subparagraph (c)(xviii) by striking out "," and substituting ",".**
- (33) Section 11.2.1 is amended:**
- (a) in the portion preceding paragraph (a) by striking out "shall" and substituting "must";**
 - (b) in paragraph (a):**
 - (i) by striking out "," after "the information required by the regulation services provider"; and**
 - (ii) by adding "and in the manner requested by the regulation services provider," after "in electronic form"; and**
 - (c) in paragraph (b):**
 - (i) by striking out "," after "under securities legislation"; and**
 - (ii) by adding "and in the manner requested by the securities regulatory authority" after "in electronic form".**
- (34) Section 11.3 is amended:**
- (a) in subsection (1):**
 - (i) in the portion preceding paragraph (a) by striking out "shall" and substituting "must";**
 - (ii) by striking out "and" after paragraph (f);**

(iii) in paragraph (g) by striking out “.” and substituting “,”; and

(iv) by adding the following paragraphs after paragraph (g):

“(h) a copy of any agreement referred to in section 5.10; and

“(i) a copy of any agreement referred to in paragraph 5.12(c); and

(b) in subsection (2) in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.

(35) Section 11.5 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”; and

(b) in subsection (2) by striking out “shall” and substituting “must”.

(36) Section 12.1 is amended:

(a) by striking out “,” wherever it appears and in each case substituting “,”;

(b) in the portion preceding paragraph (a):

(i) by striking out “For each of its systems that support” and substituting “For each system, operated by or on behalf of the marketplace, that supports”; and

(ii) by striking out “shall” and substituting “must”;

(c) in paragraph (c):

(i) by striking out “or delay”; and

(ii) by adding “, delay or security breach and provide timely updates on the status of the failure, malfunction, delay or security breach, the resumption of service and the results of the marketplace’s internal review of the failure, malfunction, delay or security breach” after “malfunction”.

(37) The following section is added after section 12.1:

“12.1.1 Auxiliary Systems - For each system that shares network resources with one or more of the systems, operated by or on behalf of the marketplace, that supports order entry, order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing, that, if breached, would pose a security threat to one or more of the previously mentioned systems, a marketplace must

(a) develop and maintain an adequate system of information security controls that relate to the security threats posed to any system that supports order entry, order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing, and

(b) promptly notify the regulator, or in Québec, the securities regulatory authority and, if applicable, its regulation services provider, of any material security breach and provide timely updates on the status of the breach, the resumption of service, where applicable, and the results of the marketplace’s internal review of the security breach”.

(38) Section 12.2 is amended:

(a) by repealing subsection (1) and substituting the following:

“(1) A marketplace must annually engage a qualified party to conduct an independent systems review and prepare a report in accordance with established audit standards to ensure that the marketplace is in compliance with

(a) paragraph 12.1(a),

(b) section 12.1.1, and

(c) section 12.4”; **and**

(b) in subsection (2):

(i) by striking out “shall” and substituting “must”; and

(ii) by repealing paragraph (b) substituting the following:

“(b) the regulator or, in Québec, the securities regulatory authority, by the earlier of the 30th day after providing the report to its board of directors or the audit committee or the 60th day after the calendar year end”.

(39) Section 12.3 is amended:

(a) in subsection (1) in the portion preceding paragraph (a) by striking out “shall” and substituting “must”;

(b) in subsection (2) in the portion preceding paragraph (a) by striking out “shall” and substituting “must”;

(c) by repealing subsection (3) and substituting the following:

“(3) A marketplace must not begin operations before

(a) it has complied with paragraphs (1)(a) and (2)(a),

(b) its regulation services provider, if applicable, has confirmed to the marketplace that trading may commence on the marketplace, and

(c) the chief information officer of the marketplace, or an individual performing a similar function, has certified in writing to the regulator, or in Québec, the securities regulatory authority, that all information technology systems used by the marketplace have been tested according to prudent business practices and are operating as designed”;

(d) by adding the following subsection after subsection (3):

“(3.1) A marketplace must not implement a material change to the systems referred to in section 12.1 before

(a) it has complied with paragraphs (1)(b) and (2)(a), and

(b) the chief information officer of the marketplace, or an individual performing a similar function, has certified in writing to the regulator, or in Québec, the securities regulatory authority, that the change has been tested according to prudent business practices and is operating as designed”; **and**

(e) in subsection (4) by striking out “Paragraphs 12.3(1)(b) and 2(b) do” and substituting “Subsection (3.1) does”.

(40) The following section is added after section 12.3:

“12.3.1 Uniform Test Symbols

A marketplace must use uniform test symbols, as set by a regulator, or in Québec, the securities regulatory authority, for the purpose of performing testing in its production environment”.

(41) Section 12.4 is repealed and the following substituted:

“12.4 Business Continuity Planning

- (1) A marketplace must
 - (a) develop and maintain reasonable business continuity plans, including disaster recovery plans, and
 - (b) test its business continuity plans, including disaster recovery plans, according to prudent business practices on a reasonably frequent basis and, in any event, at least annually.
- (2) A marketplace with a total trading volume in any type of security equal to or greater than 10% of the total dollar value of the trading volume in that type of security on all marketplaces in Canada during at least two of the preceding three months of operation must establish, implement, and maintain policies and procedures reasonably designed to ensure that each system, operated by or on behalf of the marketplace, that supports order entry, order routing, execution, trade reporting, trade comparison, data feeds, and trade clearing, can resume operations within two hours following the declaration of a disaster by the marketplace.
- (3) A recognized exchange or quotation and trade reporting system, that directly monitors the conduct of its members or users and enforces requirements set under section 7.1(1) or 7.3(1) of NI 23-101, must establish, implement, and maintain policies and procedures reasonably designed to ensure that each system, operated by or on behalf of the marketplace, that is critical and supports real-time market surveillance, can resume operations within two hours following the declaration of a disaster at the primary site by the exchange or quotation and trade reporting system.
- (4) A regulation services provider, that has entered into a written agreement with a marketplace to conduct market surveillance for the marketplace, must establish, implement, and maintain policies and procedures reasonably designed to ensure that each system, operated by or on behalf of the regulation services provider, that is critical and supports real-time market surveillance can resume operations within two hours following the declaration of a disaster at the primary site by the regulation services provider.

“12.4.1 Industry-Wide Business Continuity Tests

A marketplace, recognized clearing agency, information processor, and participant dealer must participate in all industry-wide business continuity tests, as determined by a regulation services provider, regulator, or in Québec, the securities regulatory authority”.

(42) Section 13.1 is amended:

- (a) in subsection (1) by striking out “shall” and substituting “must”;**
- (b) in subsection (2):**
 - (i) by striking out “shall” wherever it appears and in each case substituting “must”; and**
 - (ii) by striking out “and settled” and substituting “to a clearing agency”; and**
- (c) in subsection (3):**
 - (i) by striking out “shall” wherever it appears and in each case substituting “must”; and**
 - (ii) by striking out “and settled” and substituting “to a clearing agency”.**

(43) The following section is added after section 13.1:

“13.2 Access to Clearing Agency of Choice

- (1) A marketplace must report a trade in a security to a clearing agency designated by a marketplace participant.
- (2) Subsection (1) does not apply to a trade in a security that is a standardized derivative or an exchange-traded security that is an option”.

(44) Subsection 14.1(1) is amended by striking out “shall” and substituting “must”.

(45) Section 14.2 is amended:

- (a) in subsection (1) by striking out “shall” and substituting “must”; and**
- (b) in subsection (2) by striking out “shall” and substituting “must”.**

(46) Section 14.3 is amended:

- (a) in subsection (1) by striking out “shall” and substituting “must”; and**
- (b) in subsection (2) by striking out “shall” and substituting “must”.**

(47) Section 14.4 is amended:

- (a) in subsection (1) by striking out “shall” and substituting “must”;**
- (b) in subsection (2) by striking out “shall” and substituting “must”;**
- (c) in subsection (3) by striking out “shall” and substituting “must”;**
- (d) in subsection (4):**
 - (i) by striking out “shall” and substituting “must”; and**
 - (ii) by adding “or changes to an electronic connection” after “in a timely manner an electronic connection”;**

(e) in subsection (5) by striking out “shall” wherever it appears and in each case substituting “must”;

(f) by adding the following subsection after subsection (6):

“(6.1) If an information processor is operated as a division or unit of a person or company, the person or company must file the income statement and the statement of cash flow of the information processor and any other information necessary to demonstrate the financial condition of the information processor within 90 days after the end of the financial year of the person or company”; **and**

(g) by adding the following subsection after subsection (7):

“(7.1) If an information processor is operated as a division or unit of a person or company, the person or company must file the financial budget relating to the information processor within 30 days of the start of the financial year of the person or company”.

(48) Section 14.5 is amended:

(a) by striking out “;” wherever it appears and in each case substituting “,”;

(b) in the portion preceding paragraph (a) by striking out “shall” and substituting “must”; and

(c) by repealing subparagraph (d)(ii) and substituting the following:

“(ii) the regulator or, in Québec, the securities regulatory authority, by the earlier of the 30th day after providing the report to its board of directors or the audit committee or the 60th day after the calendar year end”.

(49) Section 14.6 is repealed and the following substituted:

“14.6 Business Continuity Planning

An information processor must

(a) develop and maintain reasonable business continuity plans, including disaster recovery plans,

(b) test its business continuity plans, including disaster recovery plans, according to prudent business practices and on a reasonably frequent basis and, in any event, at least annually, and

(c) establish, implement, and maintain policies and procedures reasonably designed to ensure that its critical systems can resume operations within one hour following the declaration of a disaster by the information processor”.

(50) Section 14.7 is amended:

(a) in the portion preceding paragraph (a) by striking out “with this Instrument, or other than a securities regulatory authority, unless” and substituting “with this Instrument or a securities regulatory authority, unless”; and

(b) after paragraph (a) by striking out “;” and substituting “,”.

(51) Section 14.8 is amended:

- (a) by striking out “.” after “but not limited to”; and**
- (b) by striking out “;” wherever it appears and in each case substituting “;”.**

(52) Form 21-101F1 is amended:

(a) after the heading “Type of Filing” by adding “; AMENDMENT No.” after “AMENDMENT”;

(b) in the paragraph under the heading “EXHIBITS” by striking out “shall” and substituting “must”;

(c) under the heading *Exhibit C - Organization* in section 2 by adding “and the Board mandate” after “including their mandates”;

(d) under the heading *Exhibit D - Affiliates*:

(i) in section 6 by striking out “.” wherever it appears;

(ii) by striking out “;” wherever it appears; and

(iii) by adding “;” after “private enterprises”.

(e) under the heading *Exhibit E - Operations of the Marketplace*:

(i) by striking out “should” and substituting “must”;

(ii) by striking out “not be limited” and substituting “is not limited”;

(iii) by striking out “Description” wherever it appears and in each case substituting “A description”; and

(iv) by adding the following paragraph after the last paragraph:

“The filer must provide all material contracts related to order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing”;

(f) under the heading *Exhibit F - Outsourcing*:

(i) by adding “;” after “routing, trading, execution, data”; and

(ii) by adding the following sections after section 3:

“4. A copy of the marketplace’s policies and procedures for the selection of service providers to which key services and systems may be outsourced and for the evaluation and approval of such outsourcing arrangements that are established and maintained pursuant to paragraph 5.12(a) of National Instrument 21-101 *Marketplace Operation*.

“5. A description of any conflicts of interest between the marketplace and the service provider to which key services and systems are outsourced and a copy of the policies and procedures to mitigate and manage such conflicts of interest that have been established pursuant to paragraph 5.12(b) of National Instrument 21-101 *Marketplace Operation*.

“6. A description of the measures the marketplace has taken pursuant to paragraph 5.12(f) of National Instrument 21-101 *Marketplace Operation* to ensure that the service provider has established, maintains and periodically tests an appropriate business continuity plan, including a disaster recovery plan.

“7. A description of the measures the marketplace has taken pursuant to paragraph 5.12(g) of National Instrument 21-101 *Marketplace Operation* to ensure that the service provider protects the proprietary, order, trade or any other confidential information of the participants of the marketplace.

“8. A copy of the marketplace’s processes and procedures to regularly review the performance of a service provider under an outsourcing arrangement that are established pursuant to paragraph 5.12(h) of National Instrument 21-101 *Marketplace Operation*”.

(g) by repealing *Exhibit G - Systems and Contingency Planning* and substituting the following:

“*Exhibit G - Systems and Contingency Planning*

General

Provide:

1. A high level description of the marketplace’s systems that support order entry, order routing, execution, trade reporting, trade comparison, data feeds, co-location and if applicable, market surveillance and trade clearing.
2. An organization chart of the marketplace’s information technology group unless otherwise provided as part of the report required by subsection 12.2(1) of the Instrument.

Business Continuity Planning

Please provide a description of the marketplace’s business continuity and disaster recovery plans that includes, but is not limited to, information regarding the following:

1. Where the primary processing site is located.
2. What the approximate percentage of hardware, software and network redundancy is at the primary site.
3. Any uninterruptible power source (UPS) at the primary site.
4. How frequently market data is stored off-site.
5. Any secondary processing site, the location of any such secondary processing site, and whether all of the marketplace’s critical business data is accessible through the secondary processing site.
6. The creation, management, and oversight of the plans, including a description of responsibility for the development of the plans and their ongoing review and updating.
7. Escalation procedures, including event identification, impact analysis, and activation of the plans in the event of a disaster or disruption.

8. Procedures for internal and external communications, including the distribution of information internally, to the securities regulatory authority, and, if appropriate, to the public, together with the roles and responsibilities of marketplace staff for internal and external communications.
9. The scenarios that would trigger the activation of the plans.
10. How frequently the business continuity and disaster recovery plans are tested.
11. Procedures for record keeping in relation to the review and updating of the plans, including the logging of tests and deficiencies.
12. The targeted time to resume operations of critical information technology systems following the declaration of a disaster by the marketplace and the service level to which such systems are to be restored.
13. Any single points of failure faced by the marketplace.

Systems Capacity

Please provide information regarding:

1. How frequently future market activity is evaluated in order to adjust processing capacity.
2. The approximate excess capacity maintained over average daily transaction volumes.
3. How often or at what point stress testing is performed.

Systems

Please provide information regarding:

1. Whether the trading engine was developed in-house or by a commercial vendor.
2. Whether the trading engine is maintained in-house or by a commercial vendor and provide the name of the commercial vendor, if applicable.
3. The marketplace's networks. Please provide a copy of a high-level network diagram of the systems referred to in section 12.1 of the Instrument, as applicable, together with a description of the external points of contact for the marketplace's networks.
4. The message protocols supported by the marketplace's systems.
5. The transmission protocols used by the marketplace's systems.

IT Risk Assessment

Please describe the IT risk assessment framework, including:

1. How the probability and likelihood of IT threats are considered.
2. How the impact of risks are measured according to qualitative and quantitative criteria.
3. The documentation process for acceptable residual risks with related offsets.

4. The development of management's action plan to implement a risk response to a risk that has not been accepted";

(h) under the heading *Exhibit I - Securities* by striking out "Filer" wherever it appears and in each case substituting "filer";

(i) under the heading *Exhibit J - Access to Services* in section 1 by striking out "Exhibit E.4" and substituting "Exhibit E item 4";

(j) under the heading *Exhibit K - Marketplace Participants*:

(i) in section 4 by adding "Please identify if the marketplace participant accesses the marketplace through co-location" after "or other access"; and

(ii) in section 5:

(A) by striking out ":" after "indicating for each"; and

(B) by striking out ";" wherever it appears and in each case substituting ",";

(k) under the heading *Exhibit M - Regulation*:

(i) in section 2 by adding "a copy of" after "and its members, provide"; and

(ii) in the text following the box under section 2 by striking out "." after "regulation services provider"; and

(l) under the heading *Exhibit N - Acknowledgement* by adding "*Marketplace Operation*" after "21-101".

(53) Form 21-101F2 is amended:

(a) in the title by striking out "INITIAL OPERATION REPORT" and substituting "INFORMATION STATEMENT";

(b) after the heading "Type of Filing" by adding "; AMENDMENT No." after "AMENDMENT";

(c) in section 12 under the heading Identification by adding "name of" after "contracted with [";

(d) in the paragraph under the heading "EXHIBITS" by striking out "shall" and substituting "must";

(e) under the heading *Exhibit E - Operations of the Marketplace*:

(i) in the text before section 1 by striking out "not be" and substituting "is not";

(ii) in sections 7, 8, 9 and 10 by striking out "Description" and substituting "A description"; and

(iii) by adding the following paragraph after the last paragraph:

"The filer must provide all material contracts relating to order routing, execution, trade reporting, trade comparison, data feeds, market surveillance and trade clearing";

(f) under the heading *Exhibit F - Outsourcing*:

(i) in the text before 1:

(A) by striking out “the” after “including any function associated with”; and

(B) by adding “data” after “clearing and settlement”; and

(ii) by adding the following sections after section 3:

“4. A copy of the marketplace’s policies and procedures for the selection of service providers to which key services and systems may be outsourced and for the evaluation and approval of such outsourcing arrangements that are established and maintained pursuant to paragraph 5.12(a) of National Instrument 21-101 *Marketplace Operation*.

“5. A description of any conflicts of interest between the marketplace and the service provider to which key services and systems are outsourced and a copy of the policies and procedures to mitigate and manage such conflicts of interest that have been established pursuant to paragraph 5.12(b) of National Instrument 21-101 *Marketplace Operation*.

“6. A description of the measures the marketplace has taken pursuant to paragraph 5.12(f) of National Instrument 21-101 *Marketplace Operation* to ensure that the service provider has established, maintains and periodically tests an appropriate business continuity plan, including a disaster recovery plan.

“7. A description of the measures the marketplace has taken pursuant to paragraph 5.12(g) of National Instrument 21-101 *Marketplace Operation* to ensure that the service provider protects the proprietary order, trade or any other confidential information of the participants of the marketplace.

“8. A copy of the marketplace’s processes and procedures to regularly review the performance of a service provider under an outsourcing arrangement that are established pursuant to paragraph 5.12(h) of National Instrument 21-101 *Marketplace Operation*”;

(g) by repealing *Exhibit G - Systems and Contingency Planning* and substituting the following:

“Exhibit G - Systems and Contingency Planning

General

Provide:

1. A high level description of the marketplace’s systems that support order entry, order routing, execution, trade reporting, trade comparison, data feeds, co-location and if applicable, market surveillance and trade clearing.
2. An organization chart of the marketplace’s information technology group unless otherwise provided as part of the report required by subsection 12.2(1) of the Instrument.

Business Continuity Planning

Please provide a description of the marketplace's business continuity and disaster recovery plans that includes, but is not limited to, information regarding the following:

1. Where the primary processing site is located.
2. What the approximate percentage of hardware, software and network redundancy is at the primary site.
3. Any uninterruptible power source (UPS) at the primary site.
4. How frequently market data is stored off-site.
5. Any secondary processing site, the location of any such secondary processing site, and whether all of the marketplace's critical business data is accessible through the secondary processing site.
6. The creation, management, and oversight of the plans, including a description of responsibility for the development of the plans and their ongoing review and updating.
7. Escalation procedures, including event identification, impact analysis, and activation of the plans in the event of a disaster or disruption.
8. Procedures for internal and external communications, including the distribution of information internally, to the securities regulatory authority, and, if appropriate, to the public, together with the roles and responsibilities of marketplace staff for internal and external communications.
9. The scenarios that would trigger the activation of the plans.
10. How frequently the business continuity and disaster recovery plans are tested.
11. Procedures for record keeping in relation to the review and updating of the plans, including the logging of tests and deficiencies.
12. The targeted time to resume operations of critical information technology systems following the declaration of a disaster by the marketplace and the service level to which such systems are to be restored.
13. Any single points of failure faced by the marketplace.

Systems Capacity

Please provide information regarding:

1. How frequently future market activity is evaluated in order to adjust processing capacity.
2. The approximate excess capacity maintained over average daily transaction volumes.
3. How often or at what point stress testing is performed.

Systems

Please provide information regarding:

1. Whether the trading engine was developed in-house or by a commercial vendor.
2. Whether the trading engine is maintained in-house or by a commercial vendor and provide the name of the commercial vendor, if applicable.
3. The marketplace's networks. Please provide a copy of a high-level network diagram of the systems referred to in section 12.1 of the Instrument, as applicable, together with a description of the external points of contact for the marketplace's networks.
4. The message protocols supported by the marketplace's systems.
5. The transmission protocols used by the marketplace's systems.

IT Risk Assessment

Please describe the IT risk assessment framework, including:

1. How the probability and likelihood of IT threats are considered.
2. How the impact of risks are measured according to qualitative and quantitative criteria.
3. The documentation process for acceptable residual risks with related offsets.
4. The development of management's action plan to implement a risk response to a risk that has not been accepted";

(h) under the heading *Exhibit J - Access to Services*:

(i) in section 1 by striking out "Exhibit E.4" and substituting "Exhibit E item 4"; and

(ii) in section 2 by striking out "," after "institution";

(i) under the heading *Exhibit K - Marketplace Participants*:

(i) in section 4 by adding "Please identify if the marketplace participant accesses the marketplace through co-location" after "access"; and

(ii) in section 5:

(A) by striking out ":" after "for each"; and

(B) by striking out "," wherever it appears and in each case substituting ","; and

(j) under the heading *Exhibit N - Acknowledgement* by adding "*Marketplace Operation*" after "21-101".

(54) Form 21-101F3 is amended:

(a) by repealing sections 4, 5, 6 and 7 of Part A and substituting the following:

“4. A list of all amendments in the information in Form 21-101F1 or 21-101F2 that were filed with the Canadian securities regulatory authorities and implemented during the period covered by the report. The list must include a brief description of each amendment, the date filed and the date implemented.

“5. A list of all amendments in the information in Form 21-101F1 or 21-101F2 that have been filed with the Canadian securities regulatory authorities but not implemented as of the end of the period covered by the report. The list must include a brief description of each amendment, the date filed and the reason why it was not implemented.

“6. Systems - If any outages occurred at any time during the period for any system relating to trading activity, including trading, routing or data, provide the date, duration, reason for the outage and its resolution.

“7. Systems Changes - A brief description of any significant changes to the systems and technology used by the marketplace that support order entry, order routing, execution, trade reporting, trade comparison, data feeds, co-location and if applicable, market surveillance and trade clearing that were planned, under development, or implemented during the quarter. Please provide the current status of the changes that are under development”;

(b) by repealing section 8 of Part A;

(c) in section 1 of Part B:

(i) in item 1 by striking out “should” and substituting “must”;

(ii) in Chart 2:

(A) by striking out “%” wherever it appears; and

(B) by striking out “% of exchange-traded securities that are”;

(iii) in Chart 3 by striking out “%” wherever it appears;

(iv) in item 5 by striking out “should” wherever it appears and in each case substituting “must”;

(v) in item 6 by striking out “third-party” and substituting “third party”; and

(vi) by repealing item 7;

(d) in section 2 of Part B:

(i) in item 1 by adding “during the quarter” after “regular trading hours”;

(ii) in item 2:

(A) by striking out “the 10 most traded fixed income securities” and substituting “each fixed income security traded”; and

(B) by striking out “(based on the value of the volume traded) for trades executed”; and

(iii) by repealing Chart 8 and substituting the following:**“Chart 8 - Traded fixed income securities**

Category of Securities	Value Traded	Number of Trades
Domestic Unlisted Debt Securities - Government		
1. Federal [Enter issuer, maturity, coupon]		
2. Federal Agency [Enter issuer, maturity, coupon]		
3. Provincial and Municipal [Enter issuer, maturity, coupon]		
Domestic Unlisted Debt Securities - Corporate [Enter issuer, maturity, coupon]		
Domestic Unlisted Debt Securities - Other [Enter issuer, maturity, coupon]		
Foreign Unlisted Debt Securities - Government [Enter issuer, maturity, coupon]		
Foreign Unlisted Debt Securities - Corporate [Enter issuer, maturity, coupon]		
Foreign Unlisted Debt Securities - Other [Enter issuer, maturity, coupon]		

”;

- (e) in item 3 by striking out “should” and substituting “must”; and
- (f) in section 4 of Part B:
 - (i) in item 1 by striking out “should” wherever it appears and in each case substituting “must”;
 - (ii) in item 2 by striking out “should” wherever it appears and in each case substituting “must”;
 - (iii) in Chart 15:
 - (A) by striking out “%” wherever it appears; and
 - (B) by striking out “of” before “Volume”;
 - (iv) in item 3 by striking out “should” wherever it appears and in each case substituting “must”;
 - (v) in Chart 16 by striking out “%” wherever it appears;
 - (vi) in item 4 by striking out “should” wherever it appears and in each case substituting “must”;
 - (vii) in item 5 by striking out “should” wherever it appears and in each case substituting “must”; and
 - (viii) by repealing item 6.

(55) Form 21-101F4 is amended in the paragraph under the heading “EXHIBITS” by striking out “shall” and substituting “must”.

(56) Form 21-101F5 is amended:

- (a) by repealing the title and substituting the following:

“INFORMATION STATEMENT
INFORMATION PROCESSOR”.

- (b) after the heading “Type of Filing” by adding “: AMENDMENT No.” after “AMENDMENT”;
- (c) under the heading “Exhibits”:
 - (i) by striking out “shall” and substituting “must”; and
 - (ii) by adding “,” after “National Instrument 21-101”;
- (d) in section 1 under the heading *Exhibit C - Organization*:
 - (i) by adding “,” after “standing committees of the board”; and
 - (ii) by adding “,” after “previous year”;

- (e) under the heading *Exhibit G - Systems and Operations*:
 - (i) in section 1:
 - (A) by striking out “should” and substituting “must” in the paragraph preceding item 1;
 - (B) by striking out “system” and substituting “System” in item 3; and
 - (C) by striking out “Description” and substituting “A description” in item 5; and
 - (ii) in section 3 by striking out “should” and substituting “must”;
 - (f) in section 2 of *Exhibit J - Fees and Revenue Sharing* by adding “provide” after “National Instrument 21-101”;
 - (g) in section 3 of *Exhibit K - Reporting to the Information Processor* by striking out “who” and substituting “that”; and
 - (h) under the heading “*Exhibit M - Selection of Securities for which information Must Be Reported to the Information Processor*”:
 - (i) in the paragraph preceding item 1 by striking out “should” and substituting “must”; and
 - (ii) in item 3 by striking out “should” and substituting “must”.
- (57) Form 21-101F6 is amended in the paragraph under the heading “Exhibits” by striking out “shall” and substituting “must”.

Part XXIII of Appendix amended

- 4(1) Part XXIII of the Appendix is amended in the manner set forth in this section.
- (2) Subsection 3.1(1) is amended by striking out “shall” and substituting “must”.
 - (3) Section 4.3 is amended by striking out “shall” and substituting “must”.
 - (4) Section 5.1 is amended by striking out “no person or company shall execute a trade” and substituting “a person or company must not execute a trade”.
 - (5) Section 6.1 is amended:
 - (a) in the portion preceding paragraph (1)(a) by striking out “shall” and substituting “must”;
 - (b) in subsection (2) by striking out “shall” wherever it appears and in each case substituting “must”; and
 - (c) in subsection (3) by striking out “shall” and substituting “must”.

- (6) **Section 6.3 is amended:**
- (a) **in the portion preceding paragraph (1)(a) by striking out “shall” and substituting “must”; and**
 - (b) **in subsection (2) in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.**
- (7) **Subsection 6.4(2) is amended by striking out “shall” wherever it appears and in each case substituting “must”.**
- (8) **Section 6.5 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.**
- (9) **Section 6.6 is amended by striking out “shall” and substituting “must”.**
- (10) **Section 6.7 is amended by striking out “No person or company shall send an order” and substituting “A person or company must not send an order”.**
- (11) **Section 6.8 is amended by adding “, except for paragraph 6.3(1)(c),” after “In Québec, this Part”.**
- (12) **Section 7.1 is amended:**
- (a) **in subsection (1) by striking out “shall” and substituting “must”;**
 - (b) **in subsection (2) by striking out “shall” and substituting “must”; and**
 - (c) **by adding the following subsection after subsection (2):**
“(3) If a recognized exchange has entered into a written agreement under section 7.2, the recognized exchange must adopt requirements, as determined necessary by the regulation services provider, that govern the recognized exchange and the conduct of the exchange’s members, and that enable the regulation services provider to effectively monitor trading on the exchange and across marketplaces”.
- (13) **Section 7.2 is repealed and the following substituted:**
- “7.2 Agreement between a Recognized Exchange and a Regulation Services Provider** - A recognized exchange that monitors the conduct of its members indirectly through a regulation services provider must enter into a written agreement with the regulation services provider which provides that the regulation services provider will:
- (a) monitor the conduct of the members of the recognized exchange,
 - (b) monitor the compliance of the recognized exchange with the requirements set under subsection 7.1(3), and
 - (c) enforce the requirements set under subsection 7.1(1)”.

(14) The following section is added after section 7.2:

“7.2.1 Obligations of a Recognized Exchange to a Regulation Services Provider

- A recognized exchange that has entered into a written agreement with a regulation services provider must

(a) transmit to the regulation services provider the information required under Part 11 of NI 21-101 and any information reasonably required by the regulation services provider in the Form and manner requested by the regulation services provider to effectively monitor:

(i) the conduct of and trading by marketplace participants on and across marketplaces, including the compliance of marketplace participants with the requirements set under subsection 7.1(1), and

(ii) the conduct of the recognized exchange, including the compliance of the recognized exchange with the requirements set under subsection 7.1(3); and

(b) comply with all orders or directions made by the regulation services provider..

(15) Section 7.3 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”;

(b) in subsection (2) by striking out “shall” and substituting “must”;
and

(c) by adding the following subsection after subsection (2):

“(3) If a recognized quotation and trade reporting system has entered into a written agreement under section 7.4, the recognized quotation and trade reporting system must adopt requirements, as determined necessary by the regulation services provider, that govern the recognized quotation and trade reporting system and the conduct of the quotation and trade reporting system’s users, and that enable the regulation services provider to effectively monitor trading on the recognized quotation and trade reporting system and across marketplaces”.

(16) Section 7.4 is repealed and the following substituted:

“7.4 Agreement between a Recognized Quotation and Trade Reporting System and a Regulation Services Provider

- A recognized quotation and trade reporting system that monitors the conduct of its users indirectly through a regulation services provider must enter into a written agreement with the regulation services provider which provides that the regulation services provider will

(a) monitor the conduct of the users of the recognized quotation and trade reporting system,

(b) monitor the compliance of the recognized quotation and trade reporting system with the requirements set under subsection 7.3(3), and

(c) enforce the requirements set under subsection 7.3(1)”.

(17) The following section is added after section 7.4:

“7.4.1 Obligations of a Quotation and Trade Reporting System to a Regulation Services Provider - A recognized quotation and trade reporting system that has entered into a written agreement with a regulation services provider must

(a) transmit to the regulation services provider the information required under Part 11 of NI 21-101 and any information reasonably required by the regulation services provider in the Form and manner requested by the regulation services provider to effectively monitor:

(i) the conduct of and trading by marketplace participants on and across marketplaces, including the compliance of marketplace participants with the requirements set under subsection 7.3(1), and

(ii) the conduct of the recognized quotation and trade reporting system, including the compliance of the recognized quotation and trade reporting system with the requirements set under subsection 7.3(3); and

(b) comply with all orders or directions made by the regulation services provider”.

(18) Section 7.5 is amended by striking out “shall” and substituting “must”.

(19) Section 8.1 is amended by striking out “shall” and substituting “must”.

(20) Section 8.2 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”; and

(b) in subsection (2) by striking out “shall” wherever it appears and in each case substituting “must”.

(21) Section 8.3 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.

(22) Section 8.4 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.

(23) Section 9.1 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”; and

(b) in subsection (2) by striking out “shall” wherever it appears and in each case substituting “must”.

(24) Section 9.2 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.

(25) Section 10.1 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”; and

(b) in subsection (2) by striking out “shall” wherever it appears and in each case substituting “must”.

(26) Section 10.2 is amended in the portion preceding paragraph (a):

(a) by striking out “shall” and substituting “must”; and

(b) by striking out “an agreement” and substituting “a written agreement”.

(27) Section 11.2 is amended:

(a) in subsection (1) by striking out “shall” and substituting “must”;

(b) in subsection (2) by striking out “shall” and substituting “must”;

(c) in subsection (3) by striking out “shall” and substituting “must”;

**(d) in subsection (4) by striking out “shall” and substituting “must”;
and**

(e) in subsection (7) by striking out “shall” and substituting “must”.

(28) Section 11.3 is amended in the portion preceding paragraph (a) by striking out “shall” and substituting “must”.

Coming into force

5(1) Subject to subsection (2), these regulations come into force on October 1, 2015.

(2) If these regulations are filed with the Registrar of Regulations after October 1, 2015, these regulations come into force on the day on which they are filed with the Registrar of Regulations.