



Province of Alberta

COLLEGE OF ALBERTA SCHOOL SUPERINTENDENTS ACT

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Chapter C-18.8

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COLLEGE OF ALBERTA SCHOOL SUPERINTENDENTS ACT

Chapter C-18.8

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) repealed 2022 c7 s15;
- (b) “bylaws” means the bylaws of the College made under section 77;
- (c) repealed 2022 c7 s15;
- (d) “charter school” means a charter school as defined in the *Education Act*;
- (e) “chief deputy superintendent” means the teacher leader employed as the chief deputy of a superintendent;

- (f) “College” means the College of Alberta School Superintendents;
- (g) - (i) repealed 2022 c7 s15;
- (j) “executive director” means the executive director of the College appointed under section 9(1);
- (k) “Francophone regional authority” means a Francophone regional authority as defined in the *Education Act*;
- (l) - (n) repealed 2022 c7 s15;
- (o) “leadership certificate” means a leadership certificate as defined in the *Certification of Teachers and Teacher Leaders Regulation* (AR 84/2019);
- (p) “Leadership Quality Standard” means the Leadership Quality Standard adopted by the Minister under section 18(2)(b) of the *Education Act*, as amended from time to time;
- (q) “make the required election” means elect not to be a member of The Alberta Teachers’ Association or elect to be an associate member of The Alberta Teachers’ Association under section 5.1 of the *Teaching Profession Act*;
- (r) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (s) “non-regulated member” means an individual who holds a membership of a type established under the bylaws within the class of non-regulated membership in the College;
- (t) “officer” means an officer of the College appointed under the bylaws and includes a member of the board of directors;
- (u) repealed 2022 c7 s15;
- (v) “regulated member” means an individual who holds regulated membership in the College;
- (w) repealed 2022 c7 s15;
- (x) “school board” means a board of trustees of a school division;
- (y) “school division” means a school division established under section 112 of the *Education Act*;

- (z) “superintendent” means a superintendent appointed by a school board, Francophone regional authority or operator of a charter school under the *Education Act*;
- (aa) “superintendent leadership certificate” means a superintendent leadership certificate as defined in the *Certification of Teachers and Teacher Leaders Regulation* (AR 84/2019);
- (bb) “Superintendent Leadership Quality Standard” means the Superintendent Leadership Quality Standard adopted by the Minister under section 18(2)(b) of the *Education Act*, as amended from time to time;
- (cc) repealed 2022 c7 s15;
- (dd) “teacher leader” means a teacher leader as defined in the regulations made under the *Education Act* with respect to the certification of teachers and teacher leaders;
- (ee) “teaching certificate” means a teaching certificate as defined in the *Certification of Teachers and Teacher Leaders Regulation* (AR 84/2019).

(2) Repealed 2022 c7 s15.

2021 cC-18.8 s1;2021 c19 s1;2022 c7 s15

Separate school rights

2 Nothing in this Act shall be deemed to interfere with the rights of separate schools as provided in the *Education Act*.

Part 1 College

Division 1 Governance

Continuation of corporation

3 The society incorporated under the *Societies Act* known as the College of Alberta School Superintendents, Society is continued as a corporation under the name “College of Alberta School Superintendents”.

Powers of College

4(1) The College may take any measure that is not inconsistent with this Act or any Act or regulation of Alberta and that it considers necessary in order to give effect to any policy adopted by it with respect to any question or matter directly or indirectly

affecting the teaching profession and leadership of the education system.

(2) The College may acquire by gift, purchase or otherwise, and may sell, mortgage, lease or otherwise dispose of real and personal property, for the purposes of carrying into effect and of promoting the objects and designs of the College.

Objects of College

5 The objects of the College are

- (a) to advance and promote the cause of education in Alberta,
- (b) to improve the teaching profession and leadership of the education system by
 - (i) developing and implementing continuing education programs and resources to improve the knowledge and skills of members,
 - (ii) carrying out research and publishing materials designed to maintain and improve the competence of members,
- (iii), (iv) repealed 2022 c7 s15,
- (c) to increase public interest in the importance of education and public knowledge of the aims of education, educational leadership, financial support for education and other educational matters, and
- (d) to cooperate with other organizations and bodies in Canada and elsewhere having the same or similar aims and objects.

2021 cC-18.8 s5;2022 c7 s15

Restrictions on College

6(1) The College must not negotiate employment agreements, including compensation, on behalf of any or all of its regulated or non-regulated members.

(2) The College or a committee of the College established under this Act or the bylaws must not be a certified bargaining agent as defined in the *Labour Relations Code*.

Board of directors

7(1) The governing body of the College is the board of directors.

(2) The board of directors consists of

- (a) members of the board of directors who are members of the College in the numbers prescribed in the bylaws, each of

whom shall be elected by the members of the College in accordance with the bylaws, and

- (b) public members of the board of directors appointed by the Minister, after the Minister has consulted with the members of the board of directors elected under clause (a), in the following numbers:
 - (i) 1, when the number of members of the board of directors elected under clause (a) does not exceed 10;
 - (ii) 2, when the number of members of the board of directors elected under clause (a) exceeds 10 but does not exceed 20;
 - (iii) 3, when the number of members of the board of directors elected under clause (a) exceeds 20.

(3) A public member of the board of directors continues to hold office after the expiry of the public member's term of office until the public member is reappointed or the public member's successor is appointed.

(4) The appointment of a public member of the board of directors may be revoked only after the Minister consults with the board of directors.

(5) The Minister may make orders respecting the payment to a public member of

- (a) travelling and living expenses incurred by that public member for the public member's attendance at any meeting of the board of directors while away from the public member's usual place of residence, and
- (b) fees.

Role of board of directors

8 The board of directors manages and conducts the business and affairs of the College and exercises the powers of the College in the name of and on behalf of the College.

Executive director

9(1) The board of directors shall appoint in writing and in accordance with the bylaws an individual to act as the executive director for the purposes of this Act.

(2) The executive director is the chief executive officer of the College.

(3) The executive director may delegate to any employee under the board of director's administration any power or duty conferred on the executive director by this Act or the bylaws.

Annual general meeting

10(1) The College shall hold an annual general meeting each year in accordance with the bylaws.

(2) The College shall hold an annual general meeting within 60 days after the coming into force of this Act.

Annual report

11(1) The board of directors shall submit annually to the Minister, in a form satisfactory to the Minister, an annual report that contains the information requested by the Minister.

(2) The Minister shall, on receipt of the annual report, lay it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

12 Repealed 2022 c7 s15.

Division 2 Membership

Classes of membership

13 The membership of the College is composed of the following classes:

- (a) regulated membership;
- (b) non-regulated membership.

Non-regulated membership

14 If an individual meets the conditions prescribed by the bylaws with respect to a type of non-regulated membership, the College may grant that type of non-regulated membership to the individual.

Regulated membership

15(1) The College shall grant regulated membership only to an individual employed in a position referred to in section 17(1).

- (2) An individual is automatically granted regulated membership,
- (a) if the individual is employed in a position referred to in section 17(1)(a) or (b), effective the date of commencement of employment, or

- (b) if the individual is employed in a position referred to in section 17(1)(c), effective the later of
 - (i) the date of commencement of employment, or
 - (ii) the date on which the individual elected not to be a member or elected to be an associate member of The Alberta Teachers' Association under section 5.1 of the *Teaching Profession Act*.

Notification of employment

16(1) Where an individual commences employment in a position referred to in section 17(1)(a) or (b), the individual shall provide the following information to the College within 30 days after the date of commencement of employment:

- (a) the individual's name;
- (b) the position in which the individual is employed;
- (c) the date of commencement of employment.

(2) Where an individual who has made the required election commences employment in a position referred to in section 17(1)(c) or where a teacher leader employed by a school board or Francophone regional authority makes the required election, the individual shall provide the following to the College within 30 days after the date of commencement of employment or the date of election, as applicable:

- (a) the individual's name;
- (b) the position in which the individual is employed;
- (c) the date of commencement of employment;
- (d) evidence satisfactory to the executive director that the individual has made the required election.

(3) If an individual fails to provide the required information to the College under subsection (1) or (2), as the case may be, the executive director may send a written request to the individual to provide the required information.

(4) An individual who receives a request under subsection (3) shall provide the required information to the executive director within 30 days after receiving the request.

(5) An individual who is employed in a position referred to in section 17(1)(a) or (b) on the coming into force of this section shall

provide the information referred to in subsection (1) to the College within 30 days after the coming into force of this section.

(6) An individual who has made the required election and is employed in a position referred to in section 17(1)(c) on the coming into force of this section shall provide the information and evidence referred to in subsection (2) to the College within 30 days after the coming into force of this section.

Compulsory regulated membership

17(1) Subject to this section, the employment of an individual in one of the following positions is conditional on the individual being a regulated member of the College:

- (a) a superintendent;
- (b) a chief deputy superintendent;
- (c) a teacher leader who
 - (i) is employed by a school board or Francophone regional authority, and
 - (ii) makes the required election.

(2) Where the employment contract of an individual employed in a position referred to in subsection (1) expires or is terminated by the individual or the school board, Francophone regional authority or operator of a charter school that employs the individual,

- (a) the individual ceases to be a regulated member effective the date of expiry or termination of the employment contract, and
- (b) the individual shall forthwith notify the College of the expiry or termination of the employment contract.

(3) The Registrar appointed under the *Education Act* shall notify the executive director if

- (a) the teaching certificate, leadership certificate or superintendent leadership certificate of an individual employed in a position referred to in subsection (1)(a) is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*, or
- (b) the teaching certificate or leadership certificate of an individual employed in a position referred to in subsection (1)(b) or (c) is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*.

(4) An individual employed in a position referred to in subsection (1)(a) ceases to be a regulated member if the teaching certificate, leadership certificate or superintendent leadership certificate of the individual is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*.

(5) An individual employed in a position referred to in subsection (1)(b) or (c) ceases to be a regulated member if the teaching certificate or leadership certificate of the individual is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*.

(6) The College shall notify the school board, Francophone regional authority or operator of a charter school that employs an individual referred to in subsection (4) or (5) that the individual has ceased to be a regulated member.

2021 cC-18.8 s17;2022 c7 s15

Notice to employer

17.1 When a regulated member's membership in the College is suspended or cancelled, the executive director shall forthwith notify the regulated member's employer and the Registrar under the *Education Act* of the suspension or cancellation.

2022 c7 s15

Authority

18 In complying with this Act, a superintendent employed by a school board, Francophone regional authority or operator of a charter school shall respect the authority of the superintendent's employer under the *Education Act* and the superintendent's contract of employment.

Voting rights

19(1) Regulated members have the right to vote and, subject to the bylaws, the right to hold office in the College.

(2) The rights of non-regulated members to vote and hold office in the College are as set out in the bylaws.

Fees

20 Every member shall pay the fees fixed by the bylaws.

Part 2 Repealed 2022 c7 s15.

Part 3

Miscellaneous

Employer to recognize sanctions

69.1 No employer or other person shall knowingly require a regulated member to perform a service or undertake any work that would result in the contravention by the regulated member of an order or direction of a hearing committee or appeal committee under the *Education Act*.

2022 c7 s15

Continuing education requirements

70(1) The College shall establish continuing education requirements that support regulated members in meeting the Leadership Quality Standard or Superintendent Leadership Quality Standard.

(2) A regulated member shall meet any continuing education requirements established under subsection (1) in accordance with the bylaws.

(3) The College shall establish the requirements referred to in subsection (1) within 3 years after the date on which this section comes into force.

Protected words, abbreviations

71(1) No person or group of persons shall represent or imply that the person is a regulated member or that the group of persons consists of regulated members unless the person is a regulated member or the group of persons consists of regulated members.

(2) No person or group of persons shall use the name of the College, alone or in combination with other words, in a manner that states or implies that the person or group of persons is the College under this Act, unless the person or group of persons is the College under this Act.

(3) No person or group of persons shall use the words “system education leader”, alone or in combination with other words, in a manner that states or implies that the person or group of persons is a member of the College or that the group consists of members of the College unless the person is a member of the College or the group consists of members of the College.

72 Repealed 2022 c7 s15.

Document of executive director

73 A document purporting to be signed by the executive director stating that a named person was or was not, on a specified day or during a specified period,

- (a) a member of the College, or
- (b) an officer of the College or a member of the board of directors or of a committee established under this Act or the bylaws,

shall be admitted as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the appointment or signature of the executive director.

Protection from liability

74(1) No action lies against any of the following persons or bodies for anything done by that person or body in good faith and in purporting to act under this Act or the bylaws:

- (a) the executive director;
- (b) - (d) repealed 2022 c7 s15;
- (e) the board of directors;
- (f) the College;
- (g) a person acting on the instructions of a person or body referred to in clauses (a), (e) or (f).

(2) No action for defamation may be founded on a communication that consists of or pertains to an act or omission of a member if the communication is published by

- (a) the College or an officer of the College, or
- (b) a member of the board of directors,
- (c) - (e) repealed 2022 c7 s15.

2021 cC-18.8 s74;2022 c7 s15

Offences and penalties

75 Every person who contravenes section 16 or 71 is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2 000,
- (b) for a 2nd offence, to a fine of not more than \$4 000, and

- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6 000 or to imprisonment for a term of not more than 6 months, or to both a fine and imprisonment.

Limitation

76 No prosecution for an offence under this Act shall be commenced after the expiry of 2 years from the date of the alleged offence.

Bylaws

77(1) The board of directors may make bylaws not inconsistent with this Act or any Act or regulation of Alberta

- (a) respecting the governance of the College and the management and conduct of its business and affairs,
- (b) respecting the nomination, election and terms of the board of directors and the filling of vacancies on the board of directors,
- (c) subject to section 7, respecting the membership of the board of directors, including prescribing the number of members of the College to be elected to the board of directors,
- (d) respecting the powers and duties of the board of directors,
- (e) respecting the appointment, reappointment, termination, remuneration and term of office of officers and the filling of vacancies for officer positions,
- (f) respecting the powers and duties of officers,
- (g) repealed 2022 c7 s15,
- (h) respecting the disqualification of members of the College from holding office,
- (i) respecting the executive director, including the appointment and powers and duties of the executive director,
- (j) respecting the calling and conduct of annual general meetings and other meetings of the College,
- (k) respecting voting at meetings, including voting procedures and notice requirements,
- (l) establishing committees and prescribing the powers and duties of those committees,

- (m) prescribing the number of members of the board of directors or committee members that constitutes a quorum at meetings, including meetings of the board of directors and meetings of committees established under bylaws made under clause (l),
- (n) repealed 2022 c7 s15,
- (o) establishing types of non-regulated membership and the rights and obligations attached to those types of membership, including voting rights and rights to hold office,
- (p) respecting applications for non-regulated membership,
- (q) prescribing conditions that must be met for non-regulated membership,
- (r) respecting the fees payable to the College for membership, including the fixing and collection of such fees,
- (s) respecting sanctions that may be imposed for non-payment of fees payable to the College, failure to meet continuing education requirements or failure to comply with the bylaws, including the suspension or cancellation of membership,
- (t) prescribing the form and manner in which notice of cancellation or suspension of membership must be published,
- (u) respecting the reinstatement of membership,
- (v) respecting fees and expenses payable to non-public members of the board of directors,
- (w) respecting non-public members of the board of directors,
- (x) - (aa) repealed 2022 c7 s15,
- (bb) respecting the use of the words “system education leader” by a person or group of persons,
- (cc) respecting continuing education requirements that support regulated and non-regulated members of the College in meeting the Leadership Quality Standard and Superintendent Leadership Quality Standard,

- (dd) respecting the development, approval and provision of professional development courses or resources for members of the College,
 - (ee) respecting the amendment of bylaws, and
 - (ff) respecting any other matter that is considered necessary or convenient for the management of the College and the conduct of its business and affairs.
- (2) A bylaw must be approved by a majority of the voting members of the College.
- (3) The *Regulations Act* does not apply to bylaws under this section.

2021 cC-18.8 s77;2022 c7 s15

Part 4

Transitional Provisions

Definition

78 In this Part, “CASS Society” means the College of Alberta School Superintendents, Society.

Transitional regulations

- 79(1)** The Lieutenant Governor in Council may make regulations
- (a) respecting the transition to the College of any of the powers, duties, functions, obligations, liabilities, rights or interests of the CASS Society;
 - (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition of the CASS Society to the College.
- (2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.
- (3) A regulation made under subsection (1) is repealed 3 years after the regulation comes into force.
- (4) The repeal of a regulation under subsection (3) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.
- (5) No regulation shall be made under subsection (1) that extends the 3-year period referred to in subsection (3).

Transitional — directors, executive director, officers

80 On the coming into force of this Act,

- (a) the members of the board of directors of the CASS Society continue as members of the board of directors of the College referred to in section 7(2)(a) for the same terms of office unless their appointments are revoked earlier under this Act,
- (b) the executive director of the CASS Society continues as the executive director of the College under this Act for the same term of office unless the term is terminated earlier under this Act, and
- (c) the table officers of the CASS Society continue as the officers of the College under this Act for the same terms of office unless their terms are terminated earlier under this Act.

Transitional — board of directors

81(1) Despite section 7(2), on the coming into force of this Act, the board of directors consists of

- (a) the members of the board of directors of the College continued under section 80(a), and
- (b) 2 public members of the board of directors of the College appointed by the Minister after the Minister has consulted with the directors referred to in clause (a).

(2) For greater certainty, section 7(3), (4) and (5) apply to a public member of the board of directors of the College appointed by the Minister under subsection (1)(b).

Transitional — membership

82(1) If an individual is a member of the CASS Society immediately before the coming into force of this Act and is not employed in a position referred to in section 17(1) on the coming into force of this Act, the individual is deemed to be a non-regulated member on the coming into force of this Act.

(2) Despite section 15(2), an individual who is employed in a position referred to in section 17(1) on the coming into force of this Act is deemed to be a regulated member on the coming into force of this Act.

83 to 85 Repealed 2022 c7 s15.

Part 5

Related Amendments and Coming into Force

Related Amendments

Amends SA 2012 cE-0.3

86(1) The *Education Act* is amended by this section.

(2), (3) Repealed 2022 c7 s15.

(4), (5) *(These provisions have been consolidated.)*

(6) Repealed 2022 c7 s15.

2021 cC-18.8 s86;2022 c7 s15

Amends RSA 2000 cT-2

87(1) The *Teaching Profession Act* is amended by this section.

(2), (3) *(These provisions have been consolidated.)*

(4) Repealed 2022 c7 s15.

2021 cC-18.8 s87;2022 c7 s15

Coming into force

88 This Act comes into force on Proclamation.

(NOTE: Proclaimed in force September 1, 2022, except headings and sections 1(1)(aa), 17(3) to (6) and 86(1), (4) and (5). Sections 1(1)(aa) and 17(3) to (6) proclaimed in force January 1, 2023. Headings proclaimed in force September 27, 2022. Section 86(1), (4) and (5) proclaimed in force August 31, 2021.)



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