

Bill No. 61 of 1945.

A BILL TO AMEND THE SCHOOL ACT

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NOTE.

Section 1 of the Bill amends the definition of "Electör" in a town district. This amendment is necessary to qualify the voters in the area of the school district outside the city or town, as they will no longer be on the town voters' list by reason of changes made in other Acts.

The amendment made by section 2 of the Bill cures an omission and enables the Minister to establish by order a rural high school district.

The change made to paragraph (*m*) of section 126 by section 4 of the Bill extends certain privileges to students in the Faculty of Education of the University which now undertakes the training of teachers.

Section 5 of the Bill, by paragraph (*a*) authorizes the Board of a school district to pay a person to supervise a group of pupils receiving correspondence tuition from the Department; and by paragraph (*b*) authorizes the Board of a town district to appoint standing committees who shall have the powers of the Board with certain specified exceptions.

Section 137*a* of the Act, amended by section 6 of the Bill, deals with the provision of conveyance from one district to another of pupils. The amendment limits this provision to pupils in Grades I to IX.

Section 7 of the Bill provides for the summer vacation for the current year.

Section 8 of the Bill introduces a new section 157*a*. Sections 156 and 157 referred to in the section deal with the reading of Scriptures etc. and religious instruction which may be permitted by the Board previous to the closing of school in the afternoon. The amendment provides that "Board" in these sections means the Board of each school district and not the Divisional Board.

Section 165 of the Act, amended by section 9 of the Bill, deals with the engagement of a teacher and the proviso sets out how an engagement may be completed by correspondence signed by the chairman or secretary. The amendment makes this proviso applicable in the case of a division, to correspondence by the superintendent of the division, if so authorized by a resolution of the Board.

The purpose of section 10 of the Bill is to combine in one section the provisions as to the borrowing powers of Boards. The previous provisions were somewhat overlapping.

Section 184 of the Act deals with the issue of debentures, and the amendment by section 11 of the Bill authorizes in a general way the issue of debentures for refunding purposes. This matter is dealt with in detail in the next section of the Bill, 12, which enacts a new section 208*a* which authorizes School Boards to borrow money by issuing debentures for the purpose of taking up outstanding debentures. It is provided that a by-law for such purpose does not require to be submitted to the proprietary electors. It must however be submitted to the Board of Public Utility Commissioners for approval.

Section 215 of the Act, amended by section 13 of the Bill, deals with the fees chargeable with respect to non-resident pupils. The new subsection (2) of section 215, dealing with pupils under Grade IX, puts the fees on a monthly instead of a daily basis, and provides that taxes on property in the district or division by the parent shall be deducted. The former provision was that the fees, together with the taxes, should not exceed sixteen dollars. The provision of paragraph (b) is practically the same as before except that the fee recoverable is as fixed in paragraph (a). Paragraph (c) deals with a parent who does not reside in any school district but on land subject to education tax. A limit of twenty dollars for his family is placed on the fees payable by him, the balance to be provided by grant and taxes are to be credited on the amount payable by the parent. The amendments to subsections (3) and (4) cure an omission as to the fees payable where the parent resides outside any school district.

Section 14 of the Bill amends section 257 of the Act by doing away with the necessity of having both a deputy returning officer and a poll clerk at an election of a trustee to represent a subdivision on a divisional board. The new subsection (9) added to section 257 directs certain advertising by the returning officer prior to the election.

Section 15 of the Bill establishes the official name of a division instead of having it fixed by the Minister.

Section 271 of the Act, amended by section 16 of the Bill, deals with the assets and liabilities of school districts included in a division, and provides that a surplus of assets of a school district shall after the third year be available to the school division for certain purposes. The amendment provides the procedure to be followed by a divisional board if it desires to have this fund transferred to the general revenue of the division.

The amendment made by section 17 (a) of the Bill increases the per diem allowances of divisional trustees attending meetings, from five dollars to six dollars.

Section 18 of the Bill amends section 275(1) of the Act by enacting new provisions as to the allowance to be made to secretary-treasurers of school districts in divisions. Formerly the honorarium in all cases was not more than

ten dollars, with an accountable advance for stationery, etc. The same section is also amended by authorizing Boards of divisions to remove school buildings, and to pay trustees for days spent in administrative and supervisory work for the Board.

Section 19 of the Bill enacts a new section 275*a* regarding special committees of divisional boards and their powers are similar to the section in the earlier part of the Bill relating to school districts.

The new section 285*a*, enacted by section 20 of the Bill, enables electors of a school district which is to be included in a division on January 1st of any year, to vote or be a candidate at a subdivisinal election (if one is being held) although the order admitting the district into the division has not yet become effective.

Section 285*b* enables the Minister to create certain town and village districts joining a division to be created a separate division.

Section 21 of the Bill strikes out section 287 and enacts a new section 287. The section deals with agreements whereby school districts have been included in divisions and extends the power of the district and division to vary the agreement by consent, and provides that after three years from the consent variation, the provision as to arbitration shall apply.

Section 290, amended by section 22 of the Bill, deals with increased requisitions on villages and hamlets by reason of the expenditures being in excess of the average "by reason of the density of the population". The amendment strikes out the words quoted. Paragraph (*b*) of section 22 corrects an error. Paragraph (*c*) provides that the increased levy shall continue from year to year until changed by resolution.

Section 23 of the Bill corrects an error.

Section 300, struck out by section 24 of the Bill, is now provided for in an earlier section.

The Order in Council validated by section 25 of the Bill, authorized the issue of refunding debentures by school districts.

W. S. GRAY,  
*Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 61 of 1945.

An Act to amend The School Act.

(Assented to , 1945.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by striking out clause (iii) of paragraph (d) thereof, and by substituting therefor the following:

“(iii) in a town district any person whose name is on the town or city voters’ list and any person whose name has been added to the assessment roll by reason of the payment of the minimum tax levied pursuant to section 299 of *The Town and Village Act*, and with respect to that portion of the district, if any, which lies outside the town or city, any person who would be an elector under clause (ii) above if he were a resident of a rural district and who subscribes to Form B (1) of the Schedule to this Act;

“Provided that such person is a British subject and twenty-one years of age;”.

**2.** The said Act is further amended as to section 24 by adding immediately after the words “a consolidated school district”, where the same occur therein, the words “or a rural high school district”.

**3.** The said Act is further amended as to section 83 by adding immediately after the words “a list of all the qualified voters in”, where the same occur therein, the words “the urban portion of”.

**4.** The said Act is further amended as to section 126,—

(a) by striking out paragraph (m) thereof, and by substituting therefor the following:

“(m) to allow students enrolled in any Normal School or in the Faculty of Education of the University of Alberta or their instructors to attend any classroom of any school in the district at any time while it is in session for the purpose of observation, practice teaching, or supervision, as the case may be;”;

(b) by adding immediately at the end of paragraph (w) thereof the words “and to forward to the Department within ten days after adoption the schedule and any amendments which may be made thereto from time to time”.

**5.** The said Act is further amended as to section 127,—

- (a) by adding immediately at the end of paragraph (p) of subsection (1) thereof the following words: “and with respect to any group of pupils receiving such tuition to appoint and pay, subject to the approval of the Minister, a suitable person to supervise and assist the pupils in the performance of their work”;
- (b) by adding immediately after paragraph (d) of subsection (2) thereof the following new paragraph:

“(e) to appoint from time to time standing or special committees consisting of one or more of its members, and to delegate to any such committee,—

“(i) any matter for consideration, inquiry, management or regulation; and

“(ii) any of the duties and powers by this Act imposed and conferred upon the Board except the powers,—

“(a) to borrow money;

“(b) to pass a by-law; or

“(c) to enter into a contract;

and any committee to which any duty or power is delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the Board.”

**6.** The said Act is further amended as to section 137a by inserting immediately after the words “attendance of pupils”, where the same occur in the second line thereof, the words “enrolled in Grades I to IX inclusive, or any of them”.

**7.** The said Act is further amended as to section 151 by adding immediately after the proviso to subsection (2) thereof the following additional proviso:

“Provided further that the summer vacation for the year 1945 shall fall between the eighth day of July and the ninth day of September.”

**8.** The said Act is further amended by adding immediately after section 157 the following new section:

“157a. In the case of a school division, the powers vested in the Board under sections 156 and 157 shall be exercised by the Board of the school district and not by the Board of the school division.”

**9.** The said Act is further amended as to section 165 by adding immediately after the proviso to subsection (1) thereof, the following additional proviso:

“Provided further the functions which may be performed by the chairman or secretary as set out in the foregoing proviso may in the case of a school division be also performed by the superintendent of the division when he is so authorized by a resolution of the Board.”

**10.** The said Act is further amended by striking out sections 182 and 183 thereof, and by substituting therefor the following:

**“182.—**(1) Any Board may by resolution or by-law on receiving the written consent of the Minister, borrow for any purpose from any person, bank, treasury branch or corporation, such sums as the Board may deem necessary and the Minister may approve.

**“(2)** The amount borrowed may be made a charge on moneys due to the school district or division whether by way of taxes or unpaid requisitions, and may be secured by the promissory note or notes of the chairman and treasurer given on behalf of the Board or by such form of assignment or covenant as may be fixed by the resolution or by-law.

**“(3)** The Board may also as security for the sum borrowed hypothecate any debenture or debentures which have been duly registered and countersigned as required by this Act.”

**11.** The said Act is further amended as to section 184 by adding immediately after the words “teacher’s house,” where the same occur in the seventh line of subsection (1) thereof, the words “or for the purpose of paying off an existing debenture or debentures”.

**12.** The said Act is further amended by adding immediately after section 208 thereof the following new section:

**“208a.—**(1) If it appears desirable to the Board of any district that a sum or sums of money should be borrowed for the purpose of purchasing or redeeming before maturity any or all outstanding debentures of the district, the Board may from time to time pass by-laws to borrow money by the issue and sale of new debentures in such amount or amounts, bearing such rate or rates of interest, payable in such manner, in such currency or currencies, at such place or places, at such time or times and in such form or forms, all as the Board may deem expedient, for the purpose of enabling the district to purchase or redeem in advance of the maturity thereof the whole or any part or parts of the outstanding debentures of the District.

**“(2)** Any such by-law shall provide for raising in each year of the currency of the debentures thereby authorized the amount necessary to pay the interest falling due in such year on such debentures and in addition thereto,—

**“(a)** the amount required to pay any of such debentures which fall due in such year; or

**“(b)** if the debentures authorized by any such by-law be payable at the end of the period of years over which the debentures are to run an annual amount by way of sinking fund estimated by the Board of the district to be sufficient with accumulated interest thereon, at such rate as the Board may determine, to be sufficient to retire the debentures at maturity.

“(3) Notwithstanding the provisions of this Act or of *The Public Utilities Act*, it shall not be necessary for a by-law passed under the provisions of subsection (1) to be referred to or assented to by the proprietary electors and no proprietary elector shall be entitled to demand a poll in respect of such by-law.

“(4) The provisions of sections 184 to 208 inclusive of this Act shall not apply to any by-law passed under the provisions of subsection (1), or to any debentures to be issued pursuant to any such by-law.

“(5) Forthwith after the passage of a by-law under the provisions of subsection (1) a certified copy of the by-law and a form of the debenture or debentures to be issued under said by-law shall be forwarded to the Board of Public Utility Commissioners by the secretary of the Board of the district.

“(6) Upon receipt of a by-law passed under the provisions of subsection (1) and the form of the debenture or debentures to be issued under such by-law, the Board of Public Utility Commissioners may in writing, authorize the Board to borrow the sum or sums of money mentioned in the by-law, or a less sum and approve of the by-law and the form of the debenture or debentures to be issued under such by-law, and shall as soon as may be thereafter cause notice of such authorization and approval to be published in one issue of *The Alberta Gazette*.

“(7) The Board of the district may thereupon issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorized, or any less sum, upon the terms specified in the by-law, and the debenture or debentures and the coupons thereof shall, when they are signed by the chairman and treasurer of the district and when the said debenture or debentures are countersigned by the Minister, or Deputy Minister, be effective to bind the district and create a charge upon all school property and all property assessable for school purposes in the district.

“(8) The signatures on the coupons may be engraved or lithographed, in which case the coupons shall be deemed to be signed within the meaning of this section.

“(9) Notwithstanding anything contained in any Act to the contrary, the by-law and debentures issued thereunder may be in such forms as may be approved by the Board of Public Utility Commissioners.

“(10) Debentures issued under any by-law passed pursuant to this section shall be valid and binding obligations of the district, notwithstanding that the aggregate principal amount of the debentures so issued shall exceed the aggregate principal amount of the debentures purchased or redeemed out of the moneys realized by the issue and sale thereof.”

**13.** The said Act is further amended as to section 215,—

(a) by striking out subsection (2) thereof and by substituting therefor the following:

“(2) In the case of pupils under Grade IX as classified by the Regulations of the Department of Education,—

- “(a) the Board may charge a fee of not more than three dollars for each month or major fractional part thereof per pupil in attendance at its school whose parent or lawful guardian is not a resident of the district or division, which fee, except as otherwise provided in this section, shall be payable by the parent or lawful guardian monthly, at the end of each month, but the fee payable in any year shall be reduced by the amount of the school tax, if any, which is levied with respect to the property assessed in the name of the parent or guardian within the district or division;
- “(b) if the school of the district in which the parent or guardian resides is closed, or in the case of a division, if the school which the pupil is directed to attend is closed during any portion of the school year without the consent of the Minister no fees shall be charged to the parent or guardian of the pupil during the time the school of the district or division is closed, and the Board at whose school the child is in attendance may charge the district or division whose school is so closed, the fee provided in paragraph (a), which fee shall be payable at the end of the calendar year upon account being rendered by the Board without any deduction for the amount of taxes paid or payable by the parent or guardian;
- “(c) if the parent or lawful guardian resides in unorganized territory and on land subject to taxation under *The Educational Tax Act*, such parent or guardian shall in any year be required to pay not more than twenty dollars on account of fees chargeable with respect to his family and the Board shall be entitled to receive any balance of fees as provided in paragraph (a) over twenty dollars by way of grant payable by the Minister of Education who is hereby authorized to pay the same;

“Provided that the parent or lawful guardian shall have the portion of the fee which he is required to pay reduced by the amount of the school tax, if any, which is levied with respect to property assessed in his name within the district or division.”

- (b) by adding immediately after the word “resides”, where the same occurs in the ninth line of paragraph (a) of subsection (3) thereof the words “or, in the event that the parent or lawful guardian of the pupil resides in unorganized territory, by such



parent or lawful guardian unless he is exempted by the provisions of paragraph (b) of this subsection”;

- (c) by adding immediately at the end of paragraph (a) of subsection (4) thereof the words “or, in the event that the parent or lawful guardian of the pupil resides in unorganized territory, by such parent or lawful guardian unless he is exempted by the provisions of paragraph (e) of this subsection.”

**14.** The said Act is further amended as to section 257,—

- (a) by adding immediately at the end of subsection (6) thereof the following proviso:

“Provided, however, that if so directed by the Board, the person appointed to be deputy returning officer, who may, if he is an elector of the district, be the secretary, shall act also as poll clerk.”;

- (b) by adding immediately at the end of the section, the following new subsection:

“(9) The returning officer shall cause to be inserted in one or more newspapers, if any, published in and having general circulation within the school division, a notice of the election of a trustee, if such be necessary in any subdivision, and shall in such notice list the persons nominated and indicate the time and places of polling; and such notice shall be inserted at least one week prior to the date of the election.”

**15.** The said Act is further amended as to section 265 by striking out the words “with such name or style as may be prescribed by the Minister”, where the same occur therein, and by substituting therefor the words “under the name of the ‘Board of the.....

(Full name of school division).

School Division’ ”.

**16.** The said Act is further amended as to section 271 by adding immediately after the proviso to paragraph (a) thereof the following additional proviso;

“Provided further that if the Divisional Board gives notice by registered mail to the Board of the district and by public announcement at the annual meeting of the electors and rate-payers of the subdivision in which the District is included, of its intention to transfer the trust fund referred to in the foregoing proviso to the general revenue account of the division, and no protest is received by the Divisional Board from the Board of the district or from ten or more electors of the district within two months after the annual meeting, the fund may then be transferred to the general revenue account of the division, but if any such protest is received within the time specified, the matter shall be referred to the Minister who shall determine whether or not the fund or a part thereof shall be so transferred.”

**17.** The said Act is further amended as to section 274,—

- (a) by striking out the words “five dollars”, where the same occur in paragraph (c) of subsection (1) thereof, and by substituting therefor the words “six dollars”;
- (b) by adding immediately at the end of paragraph (j) of subsection (1) thereof the words “and to forward to the Department within ten days after adoption the schedule and any amendments which may be made thereto from time to time”;
- (c) by striking out paragraph (n) of subsection (1) thereof, and by substituting therefor the following:  
 “(n) to allow students enrolled in any Normal School or in the Faculty of Education of the University of Alberta or their instructors to attend any classroom of any school in the division at any time while it is in session for the purpose of observation, practice teaching, or supervision, as the case may be;”.

**18.** The said Act is further amended as to section 275,—

- (a) by striking out paragraph (l) thereof and by substituting therefor the following:  
 “(l) to pay to the secretary-treasurer of each school district included in a division an honorarium as follows; to the secretary-treasurer of a rural school district, Ten Dollars per annum; to the secretary-treasurer of a village school district or of a consolidated school district, Fifteen Dollars per annum; and in the case of a town school district Twenty-five Dollars per annum, and to furnish the secretary-treasurer of each school district included in a division with stationery and postage stamps and for that purpose to make an accountable advance to any such secretary-treasurer of an amount not in excess of Ten Dollars;”;
- (b) by adding immediately at the end thereof the following new paragraphs:  
 “(q) subject to the approval of the Minister, to cause any schoolhouse or other school building to be removed from any site to another site either within or without the division;  
 “(r) to provide by resolution that there may be paid to each trustee a per diem allowance, not to exceed five dollars, for days spent in administrative and supervisory work for the Board, provided that such payments shall not be made in the case of the chairman for more than fifteen days and in the case of a trustee for more than ten days in any year, and in any event only for such work as shall have been auth-

orized by the Board, or if of an emergent nature as shall be subsequently approved by the Board."

**19.** The said Act is further amended by adding immediately after section 275 thereof the following new section:

**"275a.**—(1) A Board may from time to time appoint standing or special committees consisting of one or more of its members, and may delegate to any such committees,—

"(a) any matter for consideration, inquiry, management or regulation; and

"(b) any of the duties and powers by this Act imposed and conferred upon the Board except the powers,—

"(i) to borrow money;

"(ii) to pass a by-law; or

"(iii) to enter into a contract.

"(2) Every committee to which any duty or power is delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the Board."

**20.** The said Act is further amended by adding immediately after section 285 thereof the following new sections:

**"285a.** Notwithstanding any other provisions of this Act, in the event that an order to include a district in the division is made under section 282 or section 285 not later than the first day of December in any year, and is not to take effect until the first day of January next following the date of the order, and in the further event that a trustee is to be elected at the next annual election to represent the subdivision in which the district is to be included, any elector of the district shall be deemed to be and shall be qualified for nomination as a candidate for the office of trustee, and the members of the Board and electors of the district shall be deemed to be and shall be qualified to nominate a candidate for the office of trustee in the manner set out in section 255 and to attend the annual meeting to be held in the subdivision and to take part therein to the same extent as they would be able to do if the order to include the district in the division were then in full force and effect.

**"285b.** Notwithstanding any other provisions of this Act, where a town or village district has in operation eight or more classrooms exclusive of rooms operated for non-resident pupils, the Minister may by the order including the district in the division or by a subsequent separate order, constitute the district as a separate or additional subdivision of the division, assign a distinctive number to such subdivision and make provision for the election of a member of the Board to represent the subdivision and as to his term of office, and generally for the procedure to be adopted in the election, and after such member has been duly elected the Board of the division shall be comprised of one member for each of the existing subdivisions of the division and an additional member to represent the new subdivision."

**21.** The said Act is further amended by striking out section 287 thereof and by substituting therefor the following:

**“287.—(1)** The parties to an agreement entered into under the provisions of section 280 may, at any time by mutual consent, alter or vary any of its terms by endorsing thereon or attaching thereto a memorandum signed by both parties giving particulars of any such alteration or variation, and the agreement as altered or varied shall be binding on the parties from such date as may be specified in the memorandum.

**“(2)** If after the expiration of three years from the date of an agreement which has been entered into under the provisions of section 280 and to which no alteration has been made, either party thereto is dissatisfied with the additional amount fixed by the agreement, or where no additional amount has been fixed by the agreement, is dissatisfied with the agreement in that respect, and the parties have been unable to agree to any alteration or variation of the agreement, a new amount or amounts or an additional amount may be fixed and determined by a committee consisting of one member appointed by the Board of the district, one member appointed by the Board of the division, and the third member appointed by the Minister, and the new amount or new amounts or additional amount as fixed and determined by the decision of the said committee or by a majority of its members shall, if fixed and determined on or before the first day of March, be final and binding on the parties to the agreement as at the first day of January of the then current year, but if fixed and determined subsequent to the first day of March and before the end of the calendar year, it shall be final and binding on the parties as at the first day of January of the next ensuing year.

**“(3)** In case the Board of the district or the Board of the division fails to appoint its member of the committee on or before the first day of February of the year following the year in which the notice of dissatisfaction is given, the Minister shall appoint some person to represent the Board on the committee.

**“(4)** Where any agreement has been altered or varied by consent or pursuant to the provisions of subsection (2), the parties may further alter or vary it by consent from time to time and after the expiration of three years from the date of the latest alteration or variation where one of the parties is dissatisfied with the terms of the agreement and the other party does not agree to an alteration or variation of the agreement, the dispute shall be determined in the manner provided in subsection (2).”

**22.** The said Act is further amended as to section 290,—

- (a) by striking out the words “by reason of the density of the population” where the same occur in lines 5 and 6 of subsection (1) thereof;

- (b) by striking out the word and figures "section 298", where the same occur in the last line of subsection (1) thereof, and by substituting therefor the word and figures "section 296".
- (c) by adding immediately after subsection (1) thereof the following proviso:

"Provided that where an additional levy has been determined and approved by the Minister it shall continue in effect from year to year until reduced by resolution of the board or until increased by resolution of the board with the approval of the Minister."

**23.** The said Act is further amended as to section 293 by adding immediately after the word "resolution", where the same occurs in the first line of subsection (2) thereof, the words "has been".

**24.** The said Act is further amended by striking out section 300 thereof.

**25.** Order in Council No. 1516-44, dated the 26th day of September, 1944, is hereby validated and confirmed.

**26.** This Act shall come into force on the day upon which it is assented to.

No. 61.

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FIRST SESSION  
TENTH LEGISLATURE  
9 GEORGE VI  
1945

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**BILL**

An Act to amend The School Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. ANSLEY.

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EDMONTON:  
A. Shnitka, King's Printer  
1945