

Bill No. 39 of 1947.

A BILL TO AMEND THE SCHOOL ACT

NOTE.

Section 1 of this Bill amends section 64 of the Act. The words struck out of subsection (1) by paragraph (a) enabled a rural or village district having not less than eight class rooms to decide at the annual meeting of the district to have five trustees instead of three. The amendment gives this authority to increase the number of trustees to the Minister, irrespective of the number of class rooms. The amendment of subsection (2) made by paragraph (b) is made necessary by the amendment to subsection (1).

Section 2 of the Bill adds a new subsection (3) to section 65. This deals with a town district which has been included in a division and provides that the Minister may, on the request of the Board of the district, reduce the number of trustees from five to three.

Section 3 of the Bill amends section 73 of the Act which deals with the remuneration a trustee may receive from the Board without vacating his seat. The change made in the new paragraph (e) of subsection (5) is to permit a trustee who drives a van to receive remuneration up to the amount of taxes owing, both current and arrears. This was not clear before.

Section 4 of the Bill corrects the language of section 103.

The amendment to section 124 made by section 5 of the Bill sets out the recognized procedure in passing by-laws not previously contained in the Act.

Section 127 of the Act which is amended by section 6 of the Bill deals with the discretionary powers of the Board, and paragraph (g) of subsection (1) authorizes the Board to exclude from attendance at a school mentally deficient children, etc., upon the recommendation of an inspector. The amendment extends this power of recommendation to the Superintendent of Schools. Paragraph (l) of subsection (1) which is rewritten omits words formerly in the paragraph exempting from school taxes indigent persons, and which were inappropriate as for the most part school taxes are collected by municipalities and not by school districts.

Section 7 amends section 134 of the Act which sets out the duties of the secretary-treasurer of the Board. The only changes are to mention specifically treasury branches as places of deposit and to change the words "all such school moneys received by him" to "all moneys received by him".

Section 8 of the Bill amends section 136 in two respects:

(a) It changes the period for audit for school divisions from the year ending October 31st to a year ending on December 31st.

(b) It changes the maximum amount payable to an auditor of accounts of a school division from forty to seventy-five dollars.

Section 9 of the Bill amends section 137a which deals with the conveyance of pupils in divisions in three respects:

(a) It removes the necessity of approval by the Minister to agreements made by divisional boards with parents for the conveyance of their own children;

(b) It authorizes boards to adopt a schedule of payments for such services which, when approved by the Minister, does away with the necessity of individual agreements;

(c) It extends the authority of a Board to transport pupils of grades above the ninth and charge fees for the service. It limits the liability of the Board to that provided for in the other parts of the section.

Section 10 of the Bill extends to divisions the power which districts now have of making agreements with other districts for education of the children. Under the amendment divisions may make agreements with other divisions or with districts while districts may do the same with divisions or other districts.

Section 11 of the Bill amends section 138a. Paragraph (a) is merely a change of language. Paragraph (b) adds a new subsection which enables the Board of a division to contribute to the support of high school pupils who have to go to another district for the courses.

Section 12 of the Bill amends section 141 to make it clear that a town district may acquire additions to existing sites.

Section 13 of the Bill extends the power of compulsory acquisition of sites given by section 143 to additions to sites provided for in the previous amendment.

The new section 149 to be enacted by section 14 of the Bill makes a change in the school year. The section now in force provides that the school year is from January first to December thirty-first.

The proviso to section 151 struck out by section 15 dealt with the summer vacation for the year 1945 and has no further application.

Section 16 of the Bill amends section 152 dealing with special holidays in three respects:

(a) It gives the council of a city or town authority to declare a school holiday instead of the mayor;

(b) The words struck out of subsection (2) might be in conflict with the new subsection (4) if one of the days men-

tioned were proclaimed a school holiday by the Lieutenant Governor in Council;

(c) It adds a new subsection to section 152 which enables the Lieutenant Governor in Council to proclaim any day to be a school holiday, not necessarily a general holiday.

The proviso added to section 157 by section 17 of the Bill allows the period of religious instruction to be changed in certain schools from the half-hour before closing to another time if approved by the Board and inspector.

Section 18 of the Bill adds a new subsection (3) to section 167, which deals with the termination of the contract or engagement of teachers. The purpose of the new subsection is to prevent teachers who have entered into a new engagement to teach, say, beginning in September, terminating their engagement before commencing teaching, without the consent of the Minister.

The purpose of the proviso added to section 172 (3) by section 19 of the Bill is to secure that the teacher will file reports with the secretary before leaving at the end of a term.

Section 20 of the Bill amends section 173 which provides the method of estimating the teacher's salary. Subsections (1), (2) and (3) are changed in view of the new "school year" as set out in section 14 of the Bill.

The amendment made by paragraphs (b) and (c) of section 20 of the Bill make the provisions as to holidays for which a teacher is entitled to be paid agree with the amendments made by section 16 of the Bill.

Section 174 of the Act which is amended by section 21 of the Bill deals with the payment of a teacher's salary for time lost owing to sickness, etc. The amendment authorizes the payment of a teacher under a continuous agreement at the termination of his agreement although that may be during a school year and not at the end of it.

Section 22 adds a new subsection to section 176 of the Act which deals with the duties of teachers. The amendment makes it clear that when a teacher is employed by a division it is the Board of the division that is referred to in subsection (1). The proviso to the new subsection, however, enables the Board of the division to direct that the teacher shall take the direction of the Board of the school district in certain matters.

Section 23 of the Bill makes a change in the language of section 178.

Section 24 of the Bill amends section 251 which deals generally with the formation of school divisions. The amendment to subsection (5) (e) authorizes the Minister to re-subdivide a division into not more than five subdivisions exclusive of subdivisions established pursuant to section 285b, that is, where a town or village district is included in a division and given the status of a subdivision.

Section 25 of the Bill amends section 253 of the Act dealing with the annual meeting of ratepayers of school districts included in each subdivision. The first proviso to subsection (1) enables the Minister, if the Board requests it, to change the hour of the meeting so that in certain cases evening meetings may be held. The second proviso to the same subsection enables the Minister to fix a new date for the meeting if it has not been held before December fifteenth. The new subsection (5) sets out in more detail the procedure at the meeting. This amendment makes necessary the amendment of section 257 made by section 26 of the Bill.

Section 27 inserts a new subsection (5a) in section 269 of the Act setting out the standard practice as to passing by-laws.

Section 28 of the Bill introduces a new section 273a dealing with the rights of electors where a school is closed in a district in a division. It is provided that where the pupils are taught in another district the Minister may order that the electors of the district of which the school is closed shall have the rights of electors in the district where the children are attending school.

Section 287 of the Act amended by section 30 of the Bill deals with the alteration of an agreement made between a division and the Board of a town, village, consolidated or separate school district for the inclusion of such a district in the division. The amendment makes such alteration subject to the approval of the Minister.

Section 289a which is to be struck out by section 31 of the Bill dealt with a special situation which arose in 1946 with respect to Picture Butte school district in the Lethbridge school division, and is no longer necessary.

Section 32 of the Bill makes a change in the language of section 290 (1) to make it apply to the actual facts.

Section 33 of the Bill strikes out subsection (1) of section 301 dealing with borrowing powers of divisional boards. These powers are dealt with in other sections and the subsection (1) is unnecessary and inappropriate.

Section 34 of the Bill amends section 302 by providing,—

- (a) for voting by secret ballot on debenture by-laws of school divisions;
- (b) that the proceedings "at" the taking of the poll as well as "from and after the close of the poll" in such cases shall be the same as in an election for a board member.

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. 39 of 1947.

An Act to amend The School Act.

(Assented to , 1947.)

HIS 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 64,—

- (a) by striking out the words "Any rural school district or any village school district having in operation not less than eight class rooms may at the annual meeting of the district pass a resolution declaring that thenceforth the Board of Trustees of the district shall consist of five trustees", where the same occur in subsection (1) thereof, and by substituting therefor the words "The Minister may by order with respect to any rural or village district direct that thenceforth the Board of Trustees of the district shall consist of five trustees";
- (b) by striking out the words "which has passed a resolution fixing the number of trustees at five", where the same occur in subsection (2) thereof, and by substituting therefor the words "with respect to which the Minister has made an order directing that thenceforth the Board of Trustees shall consist of five trustees".

2. The said Act is further amended as to section 65 by adding immediately at the end thereof the following new subsection:

"(3) In the event of a town district having been heretofore or being hereafter included within a school division pursuant to section 282 or section 285, the Minister may order, upon request of the Board of the district, that the Board shall consist of three trustees only who shall hold office for a term of three years, and the order shall make provision for the retirement as from the date of the order of all trustees and the election of a new Board consisting of three members, and shall by the order provide for the retirement of one trustee each year."

3. The said Act is further amended as to section 73 by striking out paragraph (e) of subsection (5) thereof and by substituting therefor the following:

"(e) remuneration from the Board for van driving at the ordinary current rate to an amount not in excess of the amount payable to the collecting authority by the trustee for school taxes for the then current and any preceding year or years."

4. The said Act is further amended as to section 103 by striking out the words "as rejected ballots", where the same occur therein, and by substituting therefor the words "as a rejected ballot".

5. The said Act is further amended as to section 124 by adding immediately at the end thereof the following new subsection:

"(3) Every by-law shall have three separate and distinct readings before it is finally passed, and not more than two readings shall be given at any one meeting except by unanimous consent of the trustees present."

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

(a) by striking out the words "the inspector", where the same occur in paragraph (g) of subsection (1) thereof, and by substituting therefor the words "an Inspector or Superintendent of Schools";

(b) by striking out paragraph (l) of subsection (1) thereof and by substituting therefor the following:

"(l) to provide the children of indigent persons resident within the district with text-books and other supplies at the expense of the district;"

7. The said Act is further amended as to section 134 by striking out paragraph (c) thereof and by substituting therefor the following:

"(c) to deposit daily or as often as the Board may direct in some treasury branch, chartered bank or other similar institution designated by the Board all moneys received by him, and to make all payments on behalf of the district by cheque signed by himself and countersigned by the chairman or such other member or officer of the Board as the Board may designate, drawn on the treasury branch, chartered bank or other similar institution in which the moneys of the district are deposited, and any payments so made shall be deemed to have been made in compliance with section 131;"

8. The said Act is further amended as to section 136,—

(a) by striking out paragraph (c) of subsection (4) and the proviso thereto, and by substituting therefor the following:

"(c) The yearly audit of the books and accounts of a school division shall cover the period of twelve months ending the thirty-first day of December in each year:

Provided that for the months of November and December, 1946, a separate audit shall be made not later than the time of the audit for the year 1947.”;

- (b) by striking out the words “forty dollars”, where the same occur in paragraph (d) of subsection (6) thereof, and by substituting therefor the words “seventy-five dollars”.

9. The said Act is further amended as to section 137a,—

- (a) by striking out the words “and subject to the approval of the Minister” where the same occur therein;

- (b) by adding immediately after the proviso thereto the following additional proviso:

“And provided further that the Board may authorize a schedule of payments applicable to all such families within the division and upon receipt of approval by the Minister of such schedule individual agreements with parents or guardians for the provision of their own conveyances shall not be required.”;

- (c) by adding immediately at the end thereof the following new subsections:

“(2) The Board of a school division may transport pupils of grades above the ninth to a high school either in a conveyance operated exclusively for such pupils or otherwise, and may charge the parents or guardians of the pupils such fees for conveyance as it may deem proper.

“(3) With respect to any conveyance provided for under subsection (2), the Board shall be under no liability with respect to the pupils conveyed therein other than its liability with respect to pupils carried under the other provisions of this section.”

10. The said Act is further amended as to section 138 by adding immediately after the word “district”, wherever the same occurs in subsection (1) thereof, the words “or division”.

11. The said Act is further amended as to section 138a,—

- (a) by striking out the words “at the school”, where the same occur therein, and by substituting therefor the words “at school”;

- (b) by adding immediately at the end thereof the following new subsection:

“(2) Subject to the approval of the Minister, any Board may with respect to pupils of Grades X, XI and XII who are unable to receive instruction within their own districts contribute towards their maintenance while away from home an amount not to exceed one dollar per pupil per day.”

12. The said Act is further amended as to section 141 by adding immediately at the end of subsection (1) thereof the words "and may select and acquire additions to existing sites".

13. The said Act is further amended as to section 143 by adding immediately after the word "site" where it first occurs in subsection (1) thereof the words "which shall include any addition to an existing site".

14. The said Act is further amended as to section 149 by striking out the same and by substituting therefor the following:

"**149.** The period of twelve months beginning on the first day of July in any year and ending on the thirtieth day of June in the next following year shall be designated the school year; and the school year shall be divided into two terms ending the thirty-first day of December and the thirtieth day of June to be known as the December and June terms respectively."

15. The said Act is further amended as to section 151 by striking out the second proviso to subsection (2) thereof.

16. The said Act is further amended as to section 152,—

(a) by striking out the word "mayor", where the same occurs in subsection (1) thereof, and by substituting therefor the word "council";

(b) by striking out the words "and no such day shall be a holiday within the meaning of this Act unless the Board has made a declaration to that effect", where the same occur in subsection (2) thereof;

(c) by adding immediately at the end thereof the following new subsection:

"(4) The Lieutenant Governor in Council may declare any day to be a school holiday."

17. The said Act is further amended as to section 157 by adding immediately at the end thereof the following proviso:

"Provided that in a high school employing more than one teacher and providing departmentalized instruction a period of religious instruction for each class, not to exceed one-half hour per day, may appear on the time-table at such time or times as is approved by the Board and the inspector of high schools."

18. The said Act is further amended as to section 167 by adding immediately at the end thereof the following new subsection:

"(3) Notwithstanding the provisions of this section, no notice of termination of contract or engagement entered into prior to the twentieth day of July in any year under which no service is to be rendered until subsequent to the twentieth

day of July may be given by either party thereto on or before the twentieth day of July without the consent of the Minister previously obtained."

19. The said Act is further amended as to section 172 by adding immediately after the proviso to subsection (3) thereof the following additional proviso:

"And provided further that any board may withhold an amount not to exceed one monthly instalment of any teacher's salary at the end of each term until such time as the teacher shall have submitted to the secretary such reports and returns as may be required by the Department."

20. The said Act is further amended as to section 173,—

- (a) by striking out subsections (1), (2) and (3) thereof and by substituting therefor the following:

"**173.**—(1) Every teacher teaching upon all the days of a school year upon which his school should be in operation under the provisions of this Act shall be entitled to his full annual salary.

"(2) Every teacher under contract or engagement for a period including all the teaching days of a school year but who does not teach upon all the days upon which his school should be in operation, shall, except as provided in subsection (3), receive his full annual salary less one two-hundredth part of such salary for each day upon which he did not teach.

"(3) Every teacher under contract or engagement in any school year for a period which does not include all the teaching days of the school year, and every teacher who though under contract or engagement for a period including all the teaching days of a school year during each year teaches upon fewer than one hundred days, shall be entitled to receive one two-hundredth part of his annual salary for each day taught."

- (b) by striking out paragraph (d) of subsection (4) thereof, and by substituting therefor the following:

"(d) holidays permitted by the board pursuant to subsections (2) and (3) of section 152 or declared by the Lieutenant Governor in Council under subsection (4) of section 152;"

- (c) by striking out paragraph (g) of subsection (4) thereof, and by substituting therefor the following:

"(g) days proclaimed as holidays by order of the Governor General in Council, the Lieutenant Governor in Council, or by the council of the city or town within which the school taught by the teacher is situate."

21. The said Act is further amended as to section 174 by striking out the words "at the termination of his engagement, or if engaged under a continuous agreement, at the

end of each year's service", where the same occur therein, and by substituting therefor the words "at the end of each school year or at the termination of his engagement, whichever first occurs".

22. The said Act is further amended as to section 176 by adding immediately at the end thereof the following new subsection and proviso:

"(2) In the case of a teacher employed by a school division, the Board referred to in subsection (1) shall be the Board of the school division:

"Provided, however, that the Board of a school division may direct the teacher in writing that with respect to any paragraph in subsection (1) specified in the direction the Board referred to shall be the Board of the district only, or shall be the Board of the district in addition to the Board of the school division, and thereupon it shall be the duty of the teacher to perform his duty in compliance with such direction."

23. The said Act is further amended as to section 178 by striking out the word "persons" wherever the same occurs in subsection (1) thereof, and by substituting therefor the word "teachers".

24. The said Act is further amended as to section 251,—

(a) by striking out paragraph (e) of subsection (5) thereof, and by substituting therefor the following:

"(e) re-subdivide a division, but in no case shall the number of subdivisions exceed five, exclusive of subdivisions established pursuant to section 285b.";

(b) by striking out the words "or as the case may be", where the same occur in the eleventh and twelfth lines of subsection (5a) thereof, and by substituting therefor the words "as the case may be".

25. The said Act is further amended as to section 253,—

(a) by adding immediately after subsection (1) thereof the following provisoes:

"Provided that upon request by resolution of the Board, the Minister may order that the annual meeting in any subdivision shall begin at some hour other than two o'clock, in which case, notwithstanding the provisions of subsection (6) hereof, the time for receipt of nominations, if an election is to be held, shall expire two hours later than the time of commencement of the meeting as specified in the order:

"Provided further that if for unavoidable reasons the meeting is not held before the fifteenth day of December, it shall be held at such later date as the Minister may approve.";

- (b) by striking out subsection (5) thereof and by substituting therefor the following:

"(5) The chairman shall then call upon the Superintendent for his report, which in his absence may be read by the secretary; he shall call upon the secretary to present to the meeting the report of the Board, the last annual financial statement and auditor's report, the budget adopted by the Board for the then current year, and a report of the current financial standing of the division; the chairman shall also call upon the secretary or other officer or member of the Board to present such other statements, communications and reports as may relate to the affairs of the division; and opportunity shall be afforded for discussion of such reports, statements and communications as shall have come before the meeting."

26. The said Act is further amended as to section 257 by adding immediately after subsection (2) thereof the following proviso:

"Provided that if pursuant to subsection (1) of section 253 the annual meeting is held at a date subsequent to December fifteenth the date for the holding of the poll in any subdivision may be at such later date as may be approved by the Minister."

27. The said Act is further amended as to section 269 by adding immediately after subsection (5) thereof the following new subsection:

"(5a) Every by-law shall have three separate and distinct readings before it is finally passed, and not more than two readings shall be given at any one meeting except by unanimous consent of the trustees present."

28. The said Act is further amended by adding immediately after section 273 thereof the following new section:

"**273a.**—(1) Notwithstanding any other provisions of this Act, in the event that the school of a district contained in a school division is closed and provision is made for the education of the pupils of such district in another district of the division, upon application of the Board of the division, the Minister may order that the electors of such district shall be deemed to be, and shall have all the rights and privileges of electors of the district in which the school which the said pupils attend is situate; and thereupon the Board of the first mentioned district shall cease to hold office; and the Board of the district in which the school is situate shall be deemed to be the Board of each district named in the order.

"(2) The order issued pursuant to subsection (1) may provide that the Board of the district shall not include more than a specified number of trustees resident within the district in which the school is situate."

29. The said Act is further amended as to section 274 by adding immediately after subsection (1) thereof the following new subsection:

"(1a) It shall be the duty of each trustee to visit from time to time the districts of the subdivision which he represents and to report to the Board with respect to the property of the Board situated therein."

30. The said Act is further amended as to section 287 by adding immediately after the word "may", where the same occurs in subsection (1) thereof, the words "with the approval of the Minister".

31. The said Act is further amended as to section 289a by striking out the same.

32. The said Act is further amended as to section 290 by striking out the words "for educational purposes in any hamlet in the division", where the same occur in subsection (1) thereof, and by substituting therefor the words "for educational purposes provided for any hamlet in the division".

33. The said Act is further amended as to section 301 by striking out subsection (1) thereof.

34. The said Act is further amended as to section 302,—

- (a) by adding immediately after the word "poll", where the same occurs in paragraph (c) thereof, the words "which shall be by secret ballot";
- (b) by adding immediately after the word "proceedings", where the same occurs in paragraph (f) thereof, the word "at".

35. The said Act is further amended as to Form I in the Schedule,—

- (a) by striking out the words "one o'clock", where the same occur therein, and by substituting therefor the words "..... o'clock";
- (b) by striking out the words "four o'clock", where the same occur therein, and by substituting therefor the words "..... o'clock".

36. The said Act is further amended as to Form L in the Schedule by striking out the same and by substituting therefor the following:

"FORM L.

(Section 257.)

"The School Division of.....

"Notice of Poll to be held in S.D. No.....
for Subdivision No....."

"Take notice that for the purpose of the election of a Divisional Trustee for Subdivision No. of the School Division No. a poll will be held in S.D. No. on the day of 19, from o'clock P.M. to o'clock P.M., in

(Schoolhouse, hall, or as the case may be)

"The following persons have been duly nominated :

NAME	OCCUPATION	ADDRESS
.....
.....
.....

Returning Officer."

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

No. 39

FOURTH SESSION
TENTH LEGISLATURE

11 GEORGE VI

1947

BILL

A Bill to amend The School Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ANSLEY.

EDMONTON:
A. Shnitka, King's Printer
1947