

Bill No. 92 of 1949.

A BILL TO AMEND THE SCHOOL ACT.

NOTE.

This Bill amends *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942.

Section 2 (*d*), clauses (i) and (ii) are amended to have them refer to Part I of the new Public Lands Act which replaces *The Provincial Lands Act*.

Sections 17 (2), 31 (2) and 49 (2) are amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from these sections of the Act.

Sections 126 (*o*) and 274 (1) (*d*) are amended and a new section 169*a* is enacted. The object of the amendments and the new section 169*a* is to prevent Boards from transferring teachers from one school to another without any notice. The object is also to provide teachers with an opportunity to register their objections to the proposed move.

Section 127 (1) is amended by replacing the present paragraph (*u*) with a new paragraph which extends the power of a Board to give financial assistance to pupils of the school district and to students undergoing teacher training courses.

Section 127 (1) is further amended by adding a new paragraph (*z*) which empowers the Board to disseminate information about the Board's business and meetings to the electors of the district.

Section 134 is amended by adding a new subsection (2) which authorizes a school board which employs in excess of twenty persons to establish a separate payroll account out of which the treasurer or secretary-treasurer may pay employees without further approval being required.

Section 136 (6) (*d*) is amended so that the maximum fees payable for an audit in a school division are increased from seventy-five dollars to one hundred and twenty-five dollars.

Section 136 (7) is amended. If the auditor of the municipality who is normally required to audit the books of a town school district is a member or employee of the Board of the school district, the amendment provides that he is not required to audit the books of the school district, and another auditor must be appointed to carry out the audit.

Section 137 (3) is amended by striking out the words "in a direct line". This subsection deals with the conveyance of children of isolated families in consolidated districts. The Board is presently required to arrange with parents for the conveyance of their children if they live more than one mile "in a direct line" from the nearest conveyance route. The words "in a direct line" provide an unfair test which sometimes works a hardship as the most direct route which it would be possible for the children to travel might exceed one mile even though their home was less than one mile in a direct line from the conveyance route. The words are accordingly struck out.

The heading and sub-heading immediately preceding section 141 are amended to more accurately describe the effect of sections 141 to 146 inclusive.

Section 147 and the immediately following sections now apply to contracts for all school buildings and not just to contracts for school buildings in rural, village and consolidated districts. The heading in the Act preceding section 147 is amended accordingly.

A new section 147*d* provides that where a school district has in regular employment an architect and retains a legal adviser it is not required to obtain the approval of the Minister or the Department before proceeding to construct a school building or an addition to an existing school building. The district must, under the amended section, deposit a set of plans and specifications of any proposed construction with the Department.

Section 152 (2) is amended. This subsection presently enables the Board of any district to declare certain days to be a holiday. The purpose of the amendment to subsection (2) is to make it clear that the Board of any division also has this power.

Section 167 is amended as to subsection (1) so that Boards of Trustees and teachers must give notice of termination of contracts five days earlier than heretofore and subsection (3) is amended to bring that subsection into agreement with the amendment to subsection (1).

Section 171 (3) (c) is amended so that applications to the Minister to refer a dispute or disagreement which has arisen between a school board and its teacher or teachers with respect to termination or cancellation of a contract to a Board of Reference must be sent to the Minister by the thirtieth day of June. This enables the Board of Reference to sit at an earlier date, render an earlier decision, and thus affords both teachers and school boards more time to make the necessary arrangements after the findings of the Board of Reference have been made known.

A new section 174*b* gives to the Board of Trustees discretionary authority to pay the salary of any teacher employed by it during any part of such teacher's absence from duty for what the Board considers to be sufficient reason.

Paragraph (l) of subsection (1) of section 176 is struck out and a new paragraph substituted. The new paragraph requires the teacher to notify the local health authority and the secretary of the Board whenever any pupil attending school catches or is exposed to a contagious disease, and to prevent the attendance at school of any such pupil until the teacher is furnished with a written statement of a physician or the local health authority that there is no further danger from the contagious disease. In any case where there is no physician or local health authority if the teacher is satisfied that the proper period of isolation has elapsed and that there is no apparent further danger from contagion he may re-admit the pupil to school.

Section 178 (2) is amended. At present it is necessary to terminate the designation of a principal, vice-principal or assistant principal in the manner provided in section 167, that is in exactly the same way as an ordinary teaching agreement between a teacher and a Board would be terminated. The new subsection would make it possible for a Board to terminate their designation of a principal, vice-principal or assistant principal with greater ease by a resolution of the Board and at the same time the teacher concerned would be afforded an opportunity to appeal to the Board against their decision. A teacher would not however have an appeal to a Board of Reference as is possible under the present section.

Sections 185 (2) and (3a) and 188 (1) are amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from these sections of the Act.

Section 211 is deleted. Its provisions are no longer necessary because the proposed new section 212 requires the debentures to be forwarded to the Department for sealing before being issued and at this time the Department can register the debentures.

A new section 212 replaces the present section. The new section contains all the provisions of the present section and also contains the additional provision that debentures must be sealed with the seal of the Department and registered before being issued.

Section 215 is amended as to paragraph (c) of subsection (2) ; as to the proviso to paragraph (b) of subsection (3) and as to the proviso to paragraph (e) of subsection (4) so that the Minister of Education may make certain financial provisions in unorganized territories, for the education of children who have not been formerly provided for.

Section 252 (2) is amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from this section of the Act.

Subsection (1) of section 253 is amended so that the Minister now approves rather than orders the holding of

the annual meeting of the electors of a subdivision of a school division at an hour other than that provided for in section 253 (1).

Section 253, subsection (3) is amended because the consent of a Post Office Inspector must now be obtained before a notice may be posted in a post office. This consent cannot always be obtained so the mandatory requirement is being removed from this section of the Act.

Subsections (2*a*) and (7) of section 257 are also amended because of the consent of a Post Office Inspector being required before a notice may be posted in a post office.

Subsection (5) of section 257 is amended so that the appointment of a deputy returning officer is made subject to the qualifications set out in section 259 (2).

Section 259 is amended so that a candidate for election to the office of divisional trustee cannot act as a poll clerk.

Subsections (4) and (5) are added to section 270 to provide for the appointment of a new chairman or vice-chairman should a vacancy occur in those positions.

Section 274 is amended. Subsection (1) (c) is amended by increasing the maximum daily sum which may be paid to each member of the Board of a school division on days on which he attends Board meetings from six dollars to eight dollars.

Section 275 is amended by replacing the present paragraph (d) with a new paragraph which extends the power of a Divisional School Board to give financial assistance to pupils of the division and students undergoing teacher training courses.

Section 293*a* is amended by providing that if a requisition on a municipality or improvement district is considered excessive and if it is found desirable to refer the requisition to a commissioner, it must be so referred within thirty days of receipt of the requisition.

Section 296 (1) is amended by deleting the references to the Minister of Lands and Mines. This is necessary as the administration of special areas has now been transferred to the Department of Municipal Affairs from the Department of Lands and Mines.

Section 305 is amended to give effect to, and in order that it will not conflict with, the proposed amendment to section 134. This latter amendment authorizes the treasurer or secretary-treasurer where a Board employs more than twenty persons, to pay the employees by cheque without prior certification of the account for payment by the chairman or other member of the Board.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

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

BILL

No. 92 of 1949.

An Act to amend The School Act.

(Assented to _____, 1949.)

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 2 by striking out the words "section 15 of *The Provincial Lands Act*" wherever they occur in clauses (i) and (ii) of paragraph (d), and by substituting the words "Part I of *The Public Lands Act*".

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

- (a) by striking out the word "five" where it occurs in subsection (2) and by substituting the word "six";
- (b) by striking out all the words which follow the words "in each district included in the proposed district" in subsection (2).

3. The said Act is further amended as to section 31,—

- (a) by striking out the word "five" where it occurs in subsection (2) and by substituting the word "six";
- (b) by striking out subsection (3).

4. The said Act is further amended as to section 49 by striking out subsection (2) and by substituting the following:

"(2) The Board of every such district shall call the meeting and shall cause notices of the meeting to be posted not later than the eighth day before the day fixed for the meeting, in six conspicuous places within the district and the notices shall set forth the day, place and hour of the meeting."

5. The said Act is further amended as to section 126 by striking out the word "time" where it occurs at the end of paragraph (o) and by substituting the following words "time in the manner provided by this Act".

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

- (a) by striking out paragraph (u) of subsection (1) and by substituting the following:

- “(u) subject to the approval of the Minister to provide scholarships or bursaries for pupils of the district and to provide assistance by way of bursary or loan to students undergoing teacher training courses;”;
- (b) by adding immediately after paragraph (y) of subsection (1), the following new paragraph:
 - “(z) to provide for the disseminating of information relative to the meetings of the Board and the business of the district among the electors by means of circulars or by publication in one or more newspapers having general circulation within the district.”.

7. The said Act is further amended as to section 134,—

- (a) by renumbering the section as subsection (1) ;
- (b) by adding immediately after subsection (1) the following new subsection:
 - “(2) Notwithstanding the provisions of paragraph (c) of subsection (1) any Board employing in excess of twenty employees may establish a payroll account, to which funds shall be transferred by means of cheques signed and countersigned as required by the said paragraph (c) and any cheque drawn on this account in favour of an employee whose name appears on the nominal roll of the account, shall, if signed by the secretary-treasurer, be deemed to be a payment made in compliance with section 131.”.

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

- (a) by striking out the words “seventy-five dollars” where they occur in paragraph (d) of subsection (6), and by substituting the words “one hundred and twenty-five dollars”;
- (b) by adding immediately at the end of subsection (7) the words “unless the auditor is a member or employee of the Board of the district, in which case the Board shall engage another auditor whose appointment shall be subject to the Minister’s approval”.

9. The said Act is further amended as to section 137 by striking out the words “in a direct line” where they occur in subsection (3).

10. The said Act is further amended as to the heading immediately before section 141 by adding immediately after the words “School Sites” the words “and School Buildings”.

11. The said Act is further amended as to the sub-heading immediately before section 141 by adding immediately before the words “In Town Districts” the word “Sites”.

12. The said Act is further amended as to the heading immediately before section 147 by striking out the words "in Rural, Village and Consolidated Districts" where they occur therein.

13. The said Act is further amended by adding immediately after section 147*c* the following new section:

"**147*d*.** If a town district has in regular full-time employment an architect and retains a permanent legal adviser, the district shall not be required to obtain the approval of the Minister or the Department as provided in sections 147, 147*a*, 147*b* and 147*c* but the district shall deposit with the Department a set of plans and specifications with respect to each school building or addition to an existing school building."

14. The said Act is further amended as to section 152 by striking out the words "The Board of any district", where they occur in subsection (2) and by substituting the words "Any Board".

15. The said Act is further amended as to section 167 by striking out the word "twentieth", wherever it occurs in the provisos to paragraphs (a) and (b) of subsection (1) and in subsection (3), and by substituting the word "fifteenth".

16. The said Act is further amended by adding immediately after section 169 the following new section:

"**169*a*—**(1) Notwithstanding any other provision of this Act, any Board may transfer at any time, during the school year, any teacher from one school or room in its charge to another, upon seven days' notice in writing to the teacher concerned.

"(2) A teacher, within seven days after receiving notice of transfer may request, in writing, an opportunity to be heard before the Board.

"(3) If a hearing is requested, the transfer shall not be effective until the teacher has been heard before the Board or a committee thereof."

17. The said Act is further amended as to section 171 by striking out the words "tenth day of July" where they occur in paragraph (c) of subsection (3) and by substituting the words "thirtieth day of June".

18. The said Act is further amended by adding immediately after section 174*a* the following new section:

"**174*b*.** The Board, in its discretion, may pay the salary of any teacher for any day during which he is absent from school by reason of family affliction or other cause deemed sufficient by the Board."

19. The said Act is further amended as to section 176 by striking out paragraph (1) of subsection (1) and by substituting the following:

“(1) to notify the secretary of the Board and the local health authority whenever he has reason to believe that any pupil attending school is affected with or has been exposed to smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, trachoma or other infectious or contagious disease, and to prevent the attendance at school of any pupil so affected or exposed or suspected of being affected or exposed until,—

- “(i) the teacher is furnished with a written statement of a physician or the local health authority that the contagious or infectious disease does not exist, or that the pupil has not been exposed, or that all danger from exposure to any of them has passed away; or
- “(ii) the teacher is satisfied, where no physician or representative of the local health authority is available, that the proper period of isolation has elapsed and that the pupil has apparently completely recovered or that all danger from exposure has apparently passed away.”.

20. The said Act is further amended as to section 178 by striking out subsection (2) and by substituting the following:

“(2) If a teacher is designated to be a principal, vice-principal or assistant principal of any school, the designation shall remain in effect until terminated by thirty days' notice in writing of a resolution of the Board terminating the designation or the giving of thirty days' notice in writing by the designee.

“(3) The notice may only be given on or before the 15th day of June to be effective in the month of July unless the consent of the Minister to a notice effective at some other time, has first been obtained.

“(4) If the notice is given to be effective in the month of July the person receiving the notice, within seven days of the receipt of the notice, may request in writing a hearing before the Board.

“(5) If a hearing is requested, the Board, within fourteen days of the receipt of the request, shall provide an opportunity for the principal, vice principal or assistant principal, as the case may be, to appear before the Board or a committee thereof to hear the reasons for the withdrawal of the designation and to reply thereto.

“(6) If the principal, vice-principal or assistant principal is dissatisfied with the reasons given, and the Board does not withdraw its notice, he may appeal, within seven days, to the Minister who shall cause investigation to be made and who may in his sole discretion confirm the termination or disallow the same.”.

21. The said Act is further amended as to section 185,—

- (a) by striking out the word “five” where it occurs in subsection (2) and by substituting the word “six”;
- (b) by striking out all the words that follow the words “conspicuous places in the district” in subsection (2);
- (c) by striking out the words “shall be posted in each post office within the division and also in each post office”, where they occur in subsection (3a) and by substituting the words “shall be posted in a conspicuous place near each post office within the division and also in a conspicuous place near each post office”.

22. The said Act is further amended as to section 188,—

- (a) by striking out the word “five” where it occurs in subsection (1) and by substituting the word “six”;
- (b) by striking out all the words which follow the words “before the polling”.

23. The said Act is further amended as to section 211 by striking out the same.

24. The said Act is further amended as to section 212 by striking out the same and by substituting the following:

“**212.** The Minister or Deputy Minister if satisfied that the requirements of this Act have been substantially complied with, may countersign the debenture, which countersignature may be engraved or lithographed, and shall cause the same to be sealed with the seal of the Department and registered, and such countersignature, seal and registration shall be conclusive evidence that the district has been legally established and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of the debenture shall be thereby conclusively established and its validity shall not be questionable in any court in the Province, but it shall be a good and indefeasible security in the hands of any *bona fide* holder thereof.”.

25. The said Act is further amended as to section 215 by inserting immediately after the words “*The Educational Tax Act*”, wherever they occur in paragraph (c) of subsection (2); in the proviso to paragraph (b) of subsection (3); and in the proviso to paragraph (e) of subsection (4), the words “or on land held under homestead, cultivation or grazing lease, issued under the provisions of *The Public Lands Act*”.

26. The said Act is further amended as to section 252 by striking out the words “and one of which shall be the post office, and if there is no post office within the district then in the nearest post office thereto” where they occur at the end of subsection (2).

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

- (a) by striking out the words “Provided that upon request by resolution of the Board, the Minister may order that the annual meeting of any subdivision shall begin at some hour other than two o’clock” where they occur in the first proviso to subsection (1) and by substituting the words “Provided that by resolution of the divisional board and subject to the approval of the Minister, the annual meeting in any subdivision may begin at some hour other than two o’clock”;
- (b) by inserting before the words “each post office” wherever they occur in subsection (3) the words “a conspicuous place near”;
- (c) by striking out the words “post offices” and where they occur in paragraph (b) of subsection (3).

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

- (a) by striking out subsection (2a) and by substituting the following:
 “(2a) The Board may direct the electors of any district in which no school is in operation to cast their votes at a poll conducted in some other district of the same subdivision by posting a notice in at least five conspicuous places within the district.”;
- (b) by adding immediately after the word “subdivision” where it occurs in subsection (5) the words “and subject to the provisions of subsection (2) of section 259”;
- (c) by striking out the words “and one of which shall be the post office, and if there is no post office within the district, then in the post office nearest thereto” where they occur at the end of subsection (7).

29. The said Act is further amended as to section 259 by adding immediately at the end of subsection (2) the words “or as a poll clerk”.

30. The said Act is further amended as to section 270 by adding immediately after subsection (3) the following new subsections:

“(4) If the position of chairman or vice-chairman of the Board becomes vacant before the first day of September the vacancy in the Board, if any, shall be filled in the manner provided by this Act and thereafter the Board shall appoint a new chairman or vice-chairman as the case may be.

“(5) If the position of chairman or vice-chairman of the Board becomes vacant on or after the first day of September a new chairman or vice-chairman shall be appointed immediately.”.

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

- (a) by striking out the words “six dollars” where they occur in paragraph (c) of subsection (1) and by substituting the words “eight dollars”;
- (b) by striking out the word “time” where it occurs at the end of paragraph (d) of subsection (1) and by substituting the words “time in the manner provided by this Act”.

32. The said Act is further amended as to section 275 by striking out paragraph (p) and by substituting the following:

- “(p) subject to the approval of the Minister to provide scholarships or bursaries for pupils of the division and to provide assistance by way of bursary or loan to students undergoing teacher training courses;”.

33. The said Act is further amended as to section 293a by adding immediately after the words “refer the requisition” where they occur in subsection (1), the words “within thirty days of the date upon which the requisition is received”.

34. The said Act is further amended as to section 296 by striking out the words “or the Minister of Lands and Mines, as the case may be,” wherever they occur in subsection (1).

35. The said Act is further amended as to section 305 by striking out the words “to pay all accounts” where they occur in paragraph (b) and by substituting the words “subject to the provisions of subsection (2) of section 134, to pay all accounts”.

36. The Act shall come into force on the day upon which it is assented to.

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL

An Act to amend The School Act.

Received and read the

First time

Second time

Third time

HON. MR. CASEY.
