

Bill No. 70 of 1950.

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 of the Act is amended. The definition of "elector" in an established district other than a town district is extended to include any resident who has paid school taxes either to a municipality or to a school district. The amendment is rendered necessary by the fact that the tax for school purposes is usually collected now by a municipality and not by a school district.

A new clause (*ll*) adds a definition of the word "resident" to section 2 of the Act.

The definition of "school building" is extended to include any building which may be owned or occupied solely or jointly with a municipality or another school district or school division. This amendment is rendered necessary by proposed amendments to section 127 and 275 which would authorize town school districts and divisions to enter into agreements to construct buildings for the joint use of the division and the municipality or district.

Section 3 is amended by including persons holding land under homestead, cultivation or grazing leases in clause (*b*) of subsection (1) so that school districts may be formed in areas occupied by persons holding lands under such leases.

Section 38 is amended to provide that the poll taken in a proposed school district shall be by secret ballot.

Section 65 is amended so that notwithstanding the provisions of any special Act or charter, the constitution of a board of trustees in a town district situated wholly or in part within a city will be governed by this Act.

Section 73 is amended to increase from one hundred dollars to one hundred and fifty dollars the value of goods which a trustee who is a merchant may sell to the board in any one year.

Section 127 is amended. A new clause (*ff*) which would authorize boards to form co-operative associations for the purposes of buying school supplies co-operatively is added to subsection (1).

A new clause (*f*) which authorizes the board of a town district to join with a municipality or a school division in

the construction and ownership of buildings to be used by them jointly is added to subsection (2).

A new section 135*a* is added to the Act. The new section will prohibit any secretary-treasurer or employee of the board from entering into any contracts for services or for the sale of goods to the board, other than contracts for services and goods of not greater value than one hundred and fifty dollars in any one year.

Section 136 is amended to increase the fees payable for an audit in school districts, and by striking out clause (c) which relates to the audit of books in consolidated school districts.

Section 142 is amended to enable a divisional board under subsection (2) to acquire sites for dormitories for the use of the division. This amendment would enable the board to acquire such sites by compulsory acquisition under section 143.

Section 169*a* is amended so that it is no longer possible for a board to transfer a teacher who has been designated to be a principal, vice-principal or assistant principal from one school to another or from one room to another on seven days' notice.

Section 178 is amended so that in computing the number of teachers employed by a school under that section, teachers who do not teach at least two and one-half days per week will not be counted.

Section 190 is amended by limiting its provisions to districts other than town school districts because special provisions for the conduct of a poll in a town school district are set out in subsection (2) of section 188.

Section 208 is amended. As subsection (2) now reads all debenture payments must be of the same amount. The amendment would permit a variation in these payments of not more than one thousand dollars.

A new section 211 is added. The new section sets out the powers of the Minister when selling the debentures of a school district or division as agent for the school district or division under section 11 of *The Department of Education Act*.

Section 215 is amended. The costs of education have increased very considerably since the fees presently set out in section 215 were prescribed and the amending section sets out the increased fees payable under the various subsections of section 215.

Section 253 is amended to make it clear that the annual meeting of the electors may be held either on or before the fifteenth day of December.

Section 257 is amended. A new subsection (7) provides for the method of notification of the date of holding the poll, similar to that followed in the notification of the annual

meetings under section 253, and permits this to be done without the necessity of the returning officer employing the secretary of the school district whose services are often not available.

Subsection (9) of section 257 is deleted because the new subsection (7) has rendered it unnecessary. The provisions contained in subsection (9) are likewise contained in section 253 and subsection (7) now refers to the provisions in section 253.

Section 263 is amended by prescribing in subsection (1) the date from which a trustee's term of office will be computed.

Section 266 is amended. It has been found that the period of twenty days prescribed by the present section is sometimes insufficient time after an election in which to hold the organization meeting because of inclement or severe weather. Accordingly the section has been amended to provide that the organization meeting must be held on or before the tenth day of February in each year.

Section 273*a* is amended. Occasionally a school of a district is closed and the children of the district must attend the school of a nearby district and in such case the Minister is empowered to order that the electors of the district whose school is closed, shall be deemed to be the electors of the nearby district. A new subsection (3) provides that the Minister by order may increase the number of trustees of the district whose school is being attended by such children beyond the maximum number of five because occasionally such centralization involves more than five districts and it is desired to provide for the representation of each district on the board of the district whose school is functioning.

Section 274 is amended. The present subsection (2) provides that where a district desires religious instruction in its school its board must advise the divisional board of the resolution to that effect and transmit to the divisional board the nomination of a teacher for the school. The nomination must be submitted to the divisional board "not later than three weeks prior to commencement of the December term". It is felt that this phrase is ambiguous. The substitution of the words "on or before the first day of August" remedies this defect.

Subsection (3) is amended in identically the same manner for the same purpose.

Section 275 is amended. A new clause (*kk*) is added which authorizes divisional boards to form co-operative associations for the purpose of purchasing school supplies.

Clause (*l*) provides, among other things, that the honorarium of a secretary-treasurer of a town school district shall be twenty-five dollars and the clause is amended so

that this honorarium may likewise be paid to the secretary-treasurer where two or more districts have combined under section 273a.

A new clause (*w*) is added which enables school divisions to co-operate with municipalities, town districts or other divisions in constructing and maintaining office buildings.

Section 289 is deleted and a new section substituted. Now the proper officer of the municipality must certify in writing under his hand to the secretary of the divisional board the total assessed value of all lands, buildings, improvements and personal property within the municipality and within the school district. Under the amended section, in case the municipality is assessed on a different index of value from that used in other municipalities within the division, he may certify such amount as may be determined by the Director of Assessments under the provisions of subsection (2) of section 7 of *The Assessment Act*.

Section 296 is amended by striking out the proviso to subsection (3). Amendments to *The Municipal District Act* have nullified the effect of the proviso and as long as the provision of the proviso remains in the Act the boards of school divisions are unable to obtain permission from the Minister to bring action against municipal districts which have defaulted in the payment of the requisition of the school division.

Form G in the Schedule to the Act is amended by substituting the fifteenth day of June for the twentieth day of June. The necessity for this amendment is brought about by the amendment in 1949 of section 167 which changed the date therein referred to from the twentieth day of June to the fifteenth day of June.

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. 70 of 1950.

An Act to amend The School Act.

(Assented to _____, 1950.)

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,—

- (a) by adding immediately after the words “to the district” where they occur in clause (d), subclause (ii) the words “or to a municipality situated wholly or in part within the district”;
- (b) by adding immediately after clause (l) the following new clause:
“(l) ‘resident’ means, with respect to any district, a person who has in that district his regular or principal place of residence in which he ordinarily resides;”;
- (c) by adding immediately after the words “and includes” where they occur in clause (oo), the words “any building owned or occupied solely or jointly with a municipality or with another school district or school division and”.

2. The said Act is further amended as to section 3, subsection (1) by striking out clause (b) and by substituting the following:

- “(b) it contains four persons actually resident therein who, on the establishment of the district would be liable to assessment or who hold lands under a homestead, cultivation or grazing lease, issued under the provisions of *The Public Lands Act*, and eight children not younger than five nor older than sixteen years of age;”.

3. The said Act is further amended as to section 38 by adding immediately before the word “ballot” the word “secret”.

4. The said Act is further amended as to section 65,—

- (a) by striking out the words “any special Act or charter” where they occur in subsection (1) and by substituting the words “subsection (1a)”;

- (b) by adding immediately after subsection (1) the following new subsection:

“(1a) The Minister by order may direct that the board of trustees in any district situated wholly or in part within the limits of a city, shall consist of seven trustees, and in the same or a subsequent separate order may make provision for the term of office of each of the trustees to be elected.”.

5. The said Act is further amended as to section 73, subsection (6), by adding immediately after the words “one hundred” the words “and fifty”.

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

- (a) by adding immediately after clause (f) of subsection (1) the following new clause:

“(ff) subject to the provisions of *The Co-operative Associations Act, 1946*, to participate in the co-operative purchasing of goods, chattels, school supplies, material and equipment required by the Board by becoming a shareholder or member in a co-operative association incorporated for the purpose of co-operative purchasing of goods, chattels, school supplies, material and equipment required by the Board for the use of the district, and to enter into contracts and agreements relative to co-operative purchasing with the co-operative association;”;

- (b) by adding immediately after clause (e) of subsection (2) the following new clause:

“(f) subject to the approval of the Minister and subject to any regulations made by the Minister with the approval of the Lieutenant Governor in Council, to enter into an agreement with the council of any municipality or with the board of trustees of any school division or town school district for the construction, ownership, maintenance, operation and use of any building required for the purposes of the district;”.

7. The said Act is further amended by adding immediately after section 135 the following new section:

• “135a.—(1) No secretary-treasurer or other employee of the Board of a district or division either in his own name or in the name of another or alone or jointly with another shall enter into any contract other than a contract of employment with the Board by which he is employed or with any person contracting with the Board in which contract he has any pecuniary interest.

“(2) Every contract entered into contrary to the provisions of subsection (1) shall be void.

“(3) Nothing contained in this section shall prevent a secretary-treasurer or other employee,—

- “(a) from entering into a contract with the Board or with any person contracting with the Board,—
 - “(i) for services to be performed by him; or
 - “(ii) for the sale in the ordinary course of his business of goods and merchandise; and
- “(b) from receiving payment for such services, goods and merchandise at the current price to an amount not in excess of one hundred and fifty dollars in any one year.”.

8. The said Act is further amended as to section 136, subsection (6),—

- (a) by striking out the word “five” where it occurs in clause (a) and by substituting the word “ten”;
- (b) by striking out the word “ten” where it occurs in clause (b) and by substituting the word “twenty”;
- (c) by striking out clause (c);
- (d) by relettering clause (d) as clause (c).

9. The said Act is further amended as to section 142, subsection (2), by adding immediately after the words “teacher’s residence” the words “or for a dormitory”.

10. The said Act is further amended as to section 169a, subsection (1) by adding immediately after the words “any teacher” the words “other than a teacher who has been designated to be a principal, vice-principal or assistant principal under the provisions of section 178”.

11. The said Act is further amended as to section 178,—

- (a) by striking out the proviso to subsection (1);
- (b) by adding immediately after subsection (1) the following new subsections:
 - “(1a) In every school where ten or more teachers are employed the board shall designate one or more teachers to be vice-principals or assistant principals.
 - “(1b) In computing under subsection (1a) the number of teachers employed, any person teaching less than two and one-half days per week in the school shall not be counted.”.

12. The said Act is further amended as to section 190 by adding immediately before the words “The chairman” the words “In any district other than a town school district”.

13. The said Act is further amended as to section 208, subsection (2),—

- (a) by striking out the words “be the same as” and by substituting the words “not be greater or less than”;
- (b) by adding immediately after the words “debenture period” the words “by more than five hundred dollars”.

14. The said Act is further amended by adding immediately after section 210 the following new section:

"211. Subject to such limitations as may be prescribed by this Act and by the by-law under which the debentures are authorized, debentures sold on behalf of any school district or division by the Minister under powers conferred on him by section 11 of *The Department of Education Act* may,—

- "(a) bear such date or dates;
 - "(b) mature on such date or dates;
 - "(c) bear such rate or rates of interest;
 - "(d) be in such denominations;
 - "(e) be payable at such place or places; and
 - "(f) be sold at such price or prices;
- as may be fixed by the Minister."

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

- (a) by striking out the word "three" wherever it occurs in subsection (2), clause (a) and in subsection (3), clause (a) and by substituting the word "four";
- (b) by adding immediately after the words "each month or" where they occur in subsection (3), clause (a) the word "major";
- (c) by striking out the proviso to subsection (3), clause (a);
- (d) by striking out the word "thirty" where it occurs in the proviso to subsection (3), clause (b) and by substituting the word "forty";
- (e) by adding immediately after the words "one dollar" where they occur in subsection (4), clause (a) the words "and fifty cents";
- (f) by striking out the words "thirty-five" where they occur in subsection (4), clause (b) and by substituting the word "fifty";
- (g) by striking out the words "twenty-five" where they occur immediately after the words "less than" in subsection (4), clause (c) and by substituting the word "ten";
- (h) by striking out the words "twenty-five" where they occur immediately after the words "a fee of" in subsection (4), clause (c) and by substituting the word "fifteen";
- (i) by striking out the words "thirty-five" where they occur in the proviso to subsection (4), clause (e) and by substituting the word "fifty".

16. The said Act is further amended as to section 253, subsection (1) by adding immediately after the words "is not held" where they occur in the second proviso, the words "on or".

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

(a) by striking out subsection (7) and by substituting the following:

“(7) The returning officer not later than the eighth day prior to the date set for holding the poll shall post up, or cause to be posted up, a copy of the notice in Form L of the Schedule in each operating school and in a conspicuous place near each post office located in any town or village district surrounded by, or adjacent to, the subdivision, and shall further give notice of the poll by using any one of the methods of advertising mentioned in clauses (a), (b) and (c) of subsection (3) of section 253.”;

(b) by striking out subsection (9).

18. The said Act is further amended as to section 263, subsection (1) by adding immediately after the words “three years” the words “from the date of the next organization meeting of the board”.

19. The said Act is further amended as to section 266 by striking out the words “within twenty days after the date of election” and by substituting the words “on or before the tenth day of February”.

20. The said Act is further amended as to section 273a by adding immediately after subsection (2) the following new subsection:

“(3) Notwithstanding any other provision of this Act, the Minister in the order issued pursuant to subsection (1), may direct that the board of the district shall consist of more than five trustees.”.

21. The said Act is further amended as to section 274 by striking out the words “not later than three weeks prior to the commencement of the December term” where they occur in the proviso to subsection (2) and in the proviso to subsection (3), and by substituting the words “on or before the first day of August”.

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

(a) by adding immediately after clause (k) the following new clause:

“(kk) subject to the provisions of *The Co-operative Associations Act, 1946*, to participate in the co-operative purchasing of goods, chattels, school supplies, material and equipment required by the Board by becoming a shareholder or member in a co-operative association incorporated under the said Act for the purpose of co-operative purchasing of goods, chattels, school supplies, material and equipment required by the Board for the use of the dis-

trict, and to enter into contracts and agreements relative to co-operative purchasing with the co-operative association;”;

(b) by adding immediately after the words “town school district” where they occur in clause (l) the words “or a district whose board under the provisions of section 273a represents more than one district”;

(c) by adding immediately after clause (v) the following new clause:

“(w) subject to the approval of the Minister and subject to any regulations made by the Minister with the approval of the Lieutenant Governor in Council, to enter into an agreement with the council of any municipality or with the board of trustees of any school division or town school district for the construction, ownership, maintenance, operation and use of any building required for the purposes of the division.”.

23. The said Act is further amended by striking out section 289 and by substituting the following:

“**289.** On or before the fifteenth day of February in each year, the proper officer of any municipality within which any division is in whole or in part situate, shall certify in writing under his hand to the secretary of the Divisional Board,—

“(a) the total assessed value of all lands, buildings and improvements or such amount in lieu thereof as may be determined by the Director of Assessments under the provisions of subsection (2) of section 7 of *The Assessment Act*; and

“(b) the total assessed value of all personal property; which is within the municipality and within any school district included in the division and which was liable to assessment and taxation under section 296 of this Act and *The Assessment Act* as at the thirty-first day of December of the preceding year.”.

24. The said Act is further amended as to section 296, subsection (3) by striking out the proviso thereto.

25. The said Act is further amended as to the Schedule, Form G by striking out the figure “20th” and by substituting the figure “15th”.

26. This Act shall come into force on the first day of July, 1950, except section 23 which shall be deemed to have been in force at all times on and after the thirty-first day of December, 1949.

THIRD SESSION
ELEVENTH LEGISLATURE
14 GEORGE VI
1950

BILL

An Act to amend The School Act.

Received and read the

First time

Second time

Third time

HON. MR. CASEY.
