

Bill No. 44 of 1952.

A BILL RESPECTING SCHOOLS.

NOTE.

This Bill repeals *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942, and enacts a new Act in its stead to be cited as "*The School Act, 1952*".

The School Taxation Act, being chapter 176 of the Revised Statutes of Alberta, 1942, and *The School Attendance Act*, being chapter 178 of the Revised Statutes of Alberta, 1942, are also repealed and their provisions have been incorporated in this new Act.

The Act has been rearranged with a view to assembling together all provisions dealing with any particular subject that is dealt with. In addition to trying to improve the order and sequence of Parts and sections many individual sections have been reworded in order to clarify or simplify them.

The new Bill does not make any substantial changes in the principles or in the law governing schools and their administration. However, there are a number of minor substantive changes in individual sections and provisions.

Copies of the draft have been studied by the Alberta Teachers' Association and by the Alberta School Trustees' Association. Representatives of these two organizations met with officials of the Department of Education and discussed these drafts in detail. Several of the changes and modifications in the Bill resulted from suggestions made during these discussions.

The Bill has been divided into fifteen Parts. Part 1 contains the provisions dealing with the constitution of districts and divisions. It deals with such matters as the establishment of districts and divisions, boundaries, names and numbers of districts or divisions, inclusion agreements, dissolution of districts and matters of a similar nature.

Part II deals with meetings of electors. It contains the sections relating to first school meetings, annual meetings and special meetings.

Part III is entitled "Boards of Trustees." It deals with constitution of boards, tenure of office, ousting from office and things of a similar nature.

Part IV governs the election of trustees. It establishes the persons who are entitled to vote and to be elected as trustees. This Part sets out the provisions governing

annual elections in the various types of districts and divisions. The procedure in case of contested elections is set out in this Part. The filling of vacancies and the tenure of trustees filling these vacancies is also provided for.

Part V deals with meetings of boards of trustees. The times and notices of meetings are dealt with as well as the procedure to be followed at meetings.

Part VI deals with the powers and duties of boards of trustees and their officers. The general powers and duties of non-divisional districts and divisions are set out first. These are followed by certain additional powers that are enjoyed by various types of districts or divisions. The duties of officers of boards, such as the chairman, the secretary and the treasurer, are set out.

Part VII deals with school sites, buildings and other school property. It deals with such things as the acquisition of sites, expropriation, the erection of school buildings and so forth.

Part VIII deals with borrowing powers. It covers short term borrowing, whether for current or for capital purposes, as well as debenture borrowing. It fixes the requirements for debenture by-laws, provides for polls of proprietary electors and governs the issue, sale and refunding of debentures.

Part IX governs requisitions, levies and collection of taxes. The Part sets out the procedure to be followed in the making of estimates and requisitions by both districts and divisions. It also contains the provisions relating to districts collecting school taxes that were formerly contained in *The School Taxation Act* which it is considered necessary to retain. Provisions relating to separate school assessments also appear in this part.

Part X deals with the conveyance and maintenance of pupils.

Part XI deals with the education of non-resident children. This Part prescribes the conditions governing the admission of non-resident pupils and prescribes the fees chargeable for the instruction they receive.

Part XII contains the provisions relating to the appointment and employment of teachers. It deals with their qualifications and the types of contracts that may be entered into. The procedure is also set out for the termination of contracts. The provisions relating to the transfer, suspension and dismissal of teachers are also found in this Part as well as the provisions relating to the Board of Reference. The sections relating to the payment of teachers, the duties and powers of teachers and the provisions respecting principals, vice-principals and assistant principals are also found in Part XII.

Part XIII deals with the conduct of schools. It covers such subjects as school hours, vacations and holidays, the language to be used, patriotic and religious instruction and kindergarten and night classes.

Part XIV dealing with school attendance contains the provisions that formerly appeared in *The School Attendance Act*. It provides for compulsory attendance, sets out the exemptions from attendance and deals with the employment of school-age children.

Part XV deals with penalties and miscellaneous provisions.

For convenience of reference the Parts into which the Act is divided and the headings under which the subjects in each Part are classified are set out in section 3. By referring to this section the approximate location and the section number of any subject matter may be found.

This Bill comes into force on the 1st day of July, 1952.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 44 of 1952.

An Act Respecting Schools

(Assented to _____, 1952.)

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

Short Title.

1. This Act may be cited as "*The School Act, 1952*". Short title

Interpretation.

2. In this Act, unless the context otherwise requires,—
- (a) "board" means the board of trustees of a district or of a division; Interpretation
"board"
 - (b) "city district" means a district situated wholly or in part within the limits of a city; "city district"
 - (c) "Department" means the Department of Education; "Department"
 - (d) "district" means a school district,— "district"
 - (i) formed or established according to the provisions of *The School Act* or any other Act or ordinance respecting schools in force in the Province at any time; or
 - (ii) formed or established pursuant to Part I;
 - (e) "division" means a school division,— "division"
 - (i) constituted according to the provisions of *The School Act*; or
 - (ii) constituted under Part I;
 - (f) "divisional district" means a district included in a division; "divisional district"
 - (g) "elector" means a person entitled to vote pursuant to Part IV; "elector"
 - (h) "farm land" has the same meaning as in *The Assessment Act*; "farm land"
 - (i) "flag" means the Union Jack or such other flag as may be adopted by Canada; "flag"
 - (j) "guardian" means a person who has a child residing with him and who is,— "guardian"

- (i) a guardian appointed by deed or will of a deceased parent; or
 - (ii) a guardian appointed by an order of a court under the provisions of *The Domestic Relations Act*; or
 - (iii) any person in whose care a child is placed under the provisions of *The Child Welfare Act*;
- “hamlet” (k) “hamlet” means,—
- (i) an area of land subdivided into lots and blocks as a townsite, a plan of which is registered in a Land Titles Office; or
 - (ii) an area declared by an order of the Minister to be a hamlet;
- “inspector” (l) “inspector” means a school inspector appointed under this or any other Act;
- “judge” (m) “judge” means a judge of the District Court having jurisdiction in the judicial district in which the district or division is wholly or mainly situated;
- “Minister” (n) “Minister” means the Minister of Education;
- “municipality” (o) “municipality” means any city, town, village, municipal district, improvement district or special area;
- “non-divisional district” (p) “non-divisional district” means a district not included in a division;
- “owner” (q) “owner” means a person who is registered under *The Lands Titles Act* as the owner of land;
- “patriotic exercise” (r) “patriotic exercise” means an act, performance, entertainment, programme or exercise, whether participated in by the pupils or not, which is designed to instruct the pupils in the principles and ideals of patriotism;
- “proprietary elector” (s) “proprietary elector” in a district or division means an elector who is liable to assessment and taxation for school purposes in respect of property situated in the district or division;
- “Protestant” (t) “Protestant” includes any person who is not a Roman Catholic;
- “Protestant school district” (u) “Protestant school district” means a divisional district in which a majority of the electors are Protestants;
- “resident” (v) “resident” means, with respect to a district, a person who has in that district his regular or principal place of residence;
- “Roman Catholic” (w) “Roman Catholic” means a person who has been baptized a member of the Roman Catholic church and who still is a member thereof and who adheres to the doctrines and authority of the Roman Catholic church;
- “Roman Catholic school district” (x) “Roman Catholic school district” means a divisional district in which a majority of the electors are Roman Catholics;
- “rural district” (y) “rural district” means a district, no part of which is within the limits of a city, town or village, other than a summer village;

- (z) "salary schedule" means a salary schedule adopted by a board pursuant to subsection (1) of section 356; "salary schedule"
- (aa) "school" means a school, or any classroom thereof, of a district or division established or constituted under this or any other Act or ordinance respecting schools in force in the Province at any time; "school"
- (bb) "school building" means a building owned or occupied by a district or division and includes a building owned or occupied jointly with a municipality or with another district or division and includes any school, college, auditorium, gymnasium, dormitory, teacherage, divisional or other office, garage, barn, sewage disposal plant or other building owned or occupied, or proposed to be owned or occupied by a district or division; "school building"
- (cc) "secretary" or "treasurer" includes secretary-treasurer; "secretary" or "treasurer"
- (dd) "substitute teacher" means a teacher employed on a day to day basis and paid at a *per diem* rate, to provide service in any classroom which is temporarily without a teacher; "substitute teacher"
- (ee) "superintendent" means a school superintendent appointed by a board or by the Minister under this Act; "superintendent"
- (ff) "teacher" means a person holding a permanent or temporary certificate of qualification as a teacher issued by the Minister under *The Department of Education Act*; "teacher"
- (gg) "temporary teacher" means a teacher employed by a board under a written contract in which he is so designated either,— "temporary teacher"
- (i) to replace a teacher who is absent from his duties for a period of at least twenty teaching days; or
- (ii) to fill an unexpected vacancy lasting for at least twenty teaching days during a school year;
- (hh) "town district" means a district, other than a consolidated district, situated wholly or in part within the limits of a town; "town district"
- (ii) "trustee" means a member of the board; "trustee"
- (jj) "unorganized territory" means a part of the Province which has not been included in a district; "unorganized territory"
- (kk) "village district" means a district, other than a consolidated district, situated wholly or in part within the limits of a village, other than a summer village. "village district"

Division of Act.

3. For convenience of reference only, this Act is divided into Parts and classified under the following headings: Division of Act

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PART I

CONSTITUTION OF DISTRICTS AND DIVISIONS

Establishment of Public School Districts.

4. (1) The Minister, by an order in writing, may establish any portion of the Province as a public school district.

(2) The Minister shall appoint an official trustee of the district who, on receipt of instructions from the Minister, shall call a meeting of the electors of the district to elect trustees.

5. (1) Any portion of the Province, on petition of the residents thereof, may be established as a public school district, if,—

(a) it does not exceed four miles in length or in breadth, exclusive of road allowances;

(b) it contains,—

(i) 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

(ii) eight children not younger than five nor older than sixteen years of age;

(c) the boundaries and name of the proposed district have been approved by the Minister.

(2) In a special case the Minister may permit a district to exceed four miles in length or in breadth or in both.

6. (1) Any three residents in any such portion of the Province may petition the Minister to establish that portion as a school district.

(2) The petition shall be in the form prescribed by the Minister.

7. If the Minister approves the boundaries and name of the proposed school district, he may,—

(a) forthwith order its establishment and appoint an official trustee; or

(b) require the petitioners to call a first meeting of the electors of the proposed district pursuant to the provisions of Part II.

8. When the meeting of the electors of the proposed district has been held in accordance with the provisions of Part II, the Minister, upon being satisfied that all the requirements of this Act have been substantially complied with, may order the establishment of the district.

Establishment of Separate School Districts.

9. (1) The minority of electors in a district, whether Protestant or Roman Catholic, may petition the Minister to establish a separate school district therein.

(2) The petition for the establishment of a separate school district shall be signed by three electors of the religious faith indicated in the name of the proposed district and shall be in the form prescribed by the Minister.

Signatures required on petition to establish separate school district

10. The persons qualified to vote for or against the establishment of a separate school district shall be the electors in the district of the same religious faith, Protestant or Roman Catholic, as the petitioners.

Qualification of voters

11. (1) The notice calling a meeting of the electors for the purpose of taking their votes on the petition for the establishment of a separate school district shall be in the form prescribed by the Minister.

Notice of meeting of electors, and procedure

(2) The notice shall be posted and the meeting conducted in the manner prescribed in Part II for the first school meeting of the electors of a proposed public school district, except that the declarations of the chairman and other electors shall indicate their religious faith and shall be made in the form prescribed by the Minister.

12. If the result of the vote reveals that a majority of the persons voting for or against the district have voted in favor thereof the Minister, by order, shall establish the district.

Order of establishment of separate school district

13. A separate school district and its board, shall possess and exercise all the rights, powers and privileges of and shall be subject to the same duties and liabilities and have the same method of government as a public school district and its board.

Rights, powers and privileges of separate school districts

Residents of separate and public school districts

14. For the purposes of this Act a person who is resident within the boundaries of a separate school district, if he is a separate school supporter, shall be deemed to be a resident of the separate school district, and not a resident of the public school district, otherwise he shall be deemed to be a resident of the public school district and not a resident of the separate school district.

Rights of minority of electors

15. None of the provisions of this Act relating to school divisions shall affect any right to establish a separate school district conferred by this Part upon a minority of electors in a district, whether Protestant or Roman Catholic.

Union of Public and Separate School Districts.

Dissolution of public and separate districts and establishment of public school district

16. (1) If a separate school district has been established within a public school district and it is resolved by the electors of each of these districts at public meetings of the electors respectively called for the purpose of considering the question that it is expedient that the districts should be dissolved for the purpose of union and the establishment of the area as a public school district, the Minister, by order, may dissolve the existing districts and establish the area as a public school district with such name as he may decide upon.

Orders re dissolution, establishment and settlement of assets and liabilities

(2) Thereafter the Minister may make orders, provisions and appointments,—

- (a) carrying into effect the dissolutions of the former districts;
- (b) providing for the establishment of the new public school district, and for all matters incidental thereto or necessary for the operation of the same as a public school district;
- (c) providing for the adjustment, arrangement and winding-up of all the affairs of the dissolved districts, and for the settlement of their liabilities and disposition of their assets.

17. (1) Unless the liabilities of the dissolved districts are otherwise liquidated, they shall be assumed by and imposed upon the newly established district.

Liabilities
of dissolved
districts

(2) Any debentures issued by either of the dissolved districts shall have the same force in and effect upon the newly established district and the property and assets thereof as they had in and upon the district by which they were issued and its property and assets.

Debentures
issued by
dissolved
districts

(3) The trustees of the newly established district may authorize and direct the making of such requisitions or the levying of such taxes as may be necessary for the discharging of any liability or debenture indebtedness of a dissolved district assumed by or imposed upon the new district.

Powers of
trustees
of newly
established
district

Boundaries of Districts.

18. (1) Whenever a district is wholly or in part described in the order establishing it as comprising certain townships, parts of townships, sections or parts of sections, the boundary line of the district, unless it is otherwise expressly set out in the order, shall be the side of the road allowance between adjoining sections or townships on which the survey monuments or posts are placed, except in the case of correction lines, where the south side of the road shall be the boundary.

Boundaries
of districts

(2) Any road allowance between either an Indian reserve or a forest reserve and a district shall be deemed to be in the district, notwithstanding anything herein to the contrary.

Road
allowances

(3) All road allowances within the boundaries of the district shall be deemed to be in the district.

Names and Numbers of Districts.

19. Every district established under this Act shall have a title in the following form: The School District, No. of the Province of Alberta.

Title of
district

20. The Minister may alter the name or number or both, of a district, but the seal previously used by the district shall continue to be its seal until changed by the board.

Alteration
of title
of district

21. No change in name or number or both of a district made in accordance with the provisions of this Act shall affect any obligations incurred, acts done, or property acquired prior to the change.

Effect of
alteration
of title
of district

Formation of Consolidated School Districts.

22. (1) The boards of two or more non-divisional districts not less than thirty nor more than eighty square miles in area, may apply to the Minister for the formation of the districts into a consolidated school district.

Application
to form
consolidated
school
district

(2) Upon receipt of an application under subsection (1), the Minister may cause such inquiries to be made with reference to the application for the formation of a consolidated school district as he may deem proper and for that purpose the Minister,—

(a) may cause one or more public meetings of electors to be held in the proposed consolidated school district at such time or times, place or places and after such notice as he may require for the purpose of discussing the formation of the proposed consolidated school district; and

(b) may appoint one or more persons as a committee whose duty it shall be to furnish him with such information in respect of the proposed consolidated school district as he may require.

(3) Upon completion of his inquiry the Minister may,—

(a) order the formation of the consolidated school district; or

(b) refuse the application.

(4) Upon the formation of a consolidated school district the assets of the respective districts shall vest in the board of the consolidated school district and the liabilities of the respective districts comprised in the consolidated school district shall be liabilities of the consolidated school district.

Order forming consolidated school district (5) The order forming a consolidated school district shall,—

(a) assign a name and number to the consolidated school district;

(b) list the districts comprised in the consolidated school district;

(c) set the effective date for the formation;

(d) appoint an official trustee.

Appointment of official trustee (6) Upon the appointment of an official trustee the board of each district comprised in the consolidated school district shall cease to hold office.

(7) The official trustee appointed pursuant to subsection (5) shall arrange, under the direction of the Minister, for the election of a board of trustees for the consolidated school district.

Constitution of School Divisions.

Constitution of division **23.** (1) The Minister, by order, may constitute a division consisting of any number of rural public school districts not being districts included in a consolidated district.

(2) The Minister in the order constituting a division shall divide the division into not less than three nor more than five subdivisions consisting of districts included therein, and he shall include every such district in a subdivision.

Dividing of division into subdivisions

(3) Every order constituting a division shall,—

Contents of order constituting division

- (a) assign a name and number to the division and a number to each subdivision;
- (b) list the districts comprised in the division and in each subdivision;
- (c) set a day on which the assets of the districts comprised in the division shall become vested in the board of the division;
- (d) name the secretary of the division for the time being;
- (e) fix the days, times and places,—
 - (i) for the receipt of nominations for the office of trustee for each of the subdivisions; and
 - (ii) for the holding of any necessary election in any subdivision;
 or in the alternative, in the discretion of the Minister, appoint an official trustee of the division;
- (f) set a date for the organization meeting of the board.

(4) If an official trustee is appointed in the order constituting the division, he shall hold office until a divisional board is elected pursuant to an order of the Minister, which he is hereby authorized to make, fixing the days, times and places for the receipt of nominations for the office of trustee for each subdivision, and for the holding of any necessary election.

Term of office of official trustee

Alteration of Name or Number of Division or Subdivision.

24. (1) The Minister may alter the name or number or both of a division or the number of any subdivision of a division, but the seal previously used by the division shall continue to be its seal until changed by the board.

Alteration of name or number of division or subdivision

(2) No change of the name or number or both of any division made in accordance with the provisions of this Act shall affect any obligations incurred, acts done, or property acquired prior to the change.

Effect of alteration of name or number of division

Disposition of Assets and Liabilities of Districts Included in a Division.

25. Upon the day fixed by the order constituting a division or on the effective date of any other order including a district in a division,—

Disposition of assets and liabilities of included districts

- (a) all the assets of a district included in the division, subject to any subsisting charges, liens and incumbrances, shall become vested in the board of the division, for the purposes of all the districts included therein;

- (b) all the liabilities of a district included in the division shall be assumed by the divisional board and these liabilities shall thereafter constitute a debt owing by the division as if the same had originally been contracted by it and shall be payable by the divisional board out of the funds of the board and the district shall be freed and discharged therefrom.

Alteration of Boundaries of Districts and Divisions.

Alteration
of bound-
aries of
district

26. The Minister, by order, may alter the boundaries of any district by adding lands thereto or taking lands therefrom, or by dividing the district into two or more districts.

Addition to
or with-
drawal from
consolidated
district

27. The Minister may add a district to or withdraw a district from a consolidated school district.

Changes in
division

28. (1) The Minister, by order, may,—

- (a) include in an established division one or more rural public school districts;
- (b) transfer a district included in a division to another division, and if, prior to the transfer, the district has been included in a division by agreement, the Minister may order that the agreement and any amendments thereto shall be in full force and effect as between the district and the division to which it is transferred to the same extent and subject to the same provisions of this Act as if it had been made between the district and the last mentioned division;
- (c) transfer a divisional district from one subdivision to another, but in no case shall the number of subdivisions be reduced by reason of such transfers to less than three;
- (d) exclude from a division any district included therein;
- (e) re-subdivide a division, but in no case shall the number of subdivisions exceed five, exclusive of subdivisions established pursuant to section 38.

Dissolution
of division

(2) When all the districts included in a division have been excluded therefrom or have been transferred to another or other divisions, the division shall thereupon be deemed to be dissolved.

Prejudicial
effect of
alteration
on security
of debenture
holders

29. In the case of a district or division having debenture indebtedness outstanding no alteration shall be made in its boundaries which will prejudicially affect the right or security of the holders of the debentures without due provision being made for their protection.

Constitution
of town or
village in
division

30. (1) Notwithstanding any other provisions of this Act, the constitution within any division of a town or village shall not have the effect of removing from the division any district wholly or partially within the corporate limits of that town or village.

(2) The board of the district in which any such town or village is wholly or partially situated has all the powers given by sections 40 and 41 to the parties to an inclusion agreement with respect to the alteration of an additional requisition which has been made upon the town or village under section 298.

**Settlement of Assets and Liabilities Following
Inclusions, Exclusions or Transfers.**

31. (1) Upon any inclusion, exclusion or transfer of lands or districts being made under the provisions of this Act, the Minister, if he considers any adjustment of assets and liabilities necessary, shall in the same or a subsequent order give such directions as to him may appear proper with respect to the assets and liabilities of any district or division affected by the inclusion, exclusion or transfer, and the directions shall be binding upon the board of any such district or division.

Adjustment
of liabilities
and assets
of division
or district
affected by
transfer

(2) In order to give effect to any directions issued under subsection (1), the Minister, by order, may,—

Powers of
Minister
to effect
adjustment

- (a) make provisions for the assessment of property in a district or division and for the levying and collection of taxes on that property;
- (b) execute a transfer of real property under *The Land Titles Act* from any board to another, and the Registrar of Land Titles for the proper land registration district shall register the transfer without the charge of assurance fund fees and shall issue a certificate of title to the property in the name of the transferee.

Agreement for Inclusion of a District in a Division.

32. (1) The board of a division may enter into an agreement with the board of any city, town, village, consolidated or separate school district for the inclusion of the district in the division upon such terms as may be agreed upon.

Agreement
for inclusion
of a district
in a division

(2) The agreement may include provisions fixing, in respect of each municipality included in whole or in part in the district, the amount, if any, by which the requisition to be made upon each such municipality under the provisions of section 299 shall be increased or decreased.

33. The board of each district which has entered into an inclusion agreement shall forward three copies thereof to the Minister.

Copies of
inclusion
agreement
to Minister

34. (1) If the Minister approves the inclusion agreement, the board of the district shall prepare and post up at not less than three conspicuous places in the district notices in a form prescribed by the Minister.

Notice of
demand for
a vote

(2) The notices shall state that a vote for or against the inclusion of the district may be demanded by a petition in writing signed by twenty-five per cent of the electors of the district and delivered to the Minister within twenty-one days after the date of the posting of the notices.

Ministerial
order to
include
district in
division

(3) If no petition is received by the Minister within the prescribed time, the Minister, by order, without any further notice or action, may include the district in the division effective on such date as is designated in the order.

Vote on
question of
inclusion
in division

35. (1) If a petition bearing the proper number of signatures, is delivered to the Minister within the prescribed time, the board, as soon as convenient, shall conduct a vote of the electors of the district on the question of its inclusion in the division.

Provisions
relating to
poll held
on question
of inclusion
Proceedings
at close
of poll

(2) All the provisions of Part II relating to the taking of a vote on the establishment of a proposed district, in so far as applicable, shall apply to the conduct of the poll.

(3) Forthwith after the poll, the chairman shall certify to the result in the form prescribed by the Minister, and shall place in an envelope the certificate, the poll list, ballots, declarations and all other records of the poll, securely seal the same and send it by registered mail to the Minister.

Ministerial
order to in-
clude district
in division

36. Upon being satisfied that the poll has been held substantially in accordance with this Act and that a majority of the votes cast have been cast in favour of inclusion in the division, the Minister, by order, may include the district in the division effective on such date as is designated in the order.

Rights of
electors of
district
added to
division

37. Notwithstanding any other provisions of this Act, if an order to include a district in a division is made under sections 28, 34 or 36 prior to the annual meeting of the electors of the subdivision in which the district is to be included, and is not to take effect until the first day of January next following the date of the order, and if a trustee is to be nominated at that meeting, any elector of the district is qualified for nomination as a candidate for the office of trustee, and the electors of the district may nominate a candidate for the office of trustee and may attend the annual meeting to be held in the subdivision and may 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.

Constitution
of district
as sub-
division of
division

38. (1) Notwithstanding any other provisions of this Act, where a city, town or village district, has an enrolment of at least two hundred and fifty resident pupils, the Minister, by the order including the district in the division or by a subsequent order, may constitute the district as an 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.

(2) The provisions of subsection (1) shall apply to a consolidated district which contains a town or village if the component district which contains the town or village has the required enrolment of resident pupils.

39. Notwithstanding any other provisions of this Act, where a city or town district is to be or has been constituted a subdivision pursuant to section 38 and has an enrolment of resident pupils in excess of forty per cent of the total enrolment of the schools of the division, exclusive of the schools of the district, the Minister by the order including the district in the division or by a subsequent order may,—

Provision for election of 2 trustees in certain city or town districts

- (a) make provision for the election of two trustees to represent the subdivision; and
- (b) determine the terms of office of the trustees first elected.

40. (1) With the approval of the Minister, the parties to an agreement entered into under the provisions of section 32 may mutually agree to alter or vary any of its terms by indorsing thereon or attaching thereto a memorandum signed by both parties giving particulars of the alteration or variation.

Alteration of terms of agreement

(2) The agreement as altered or varied shall be binding on the parties from the date specified in the memorandum.

(3) Three copies of the memorandum referred to in subsection (1) shall be forwarded to the Department for Ministerial approval.

Copies of memorandum to Minister

41. (1) If after the expiration of three years from the date of an inclusion agreement either party thereto is dissatisfied with the amount fixed by that agreement or any memorandum altering it, that party may serve notice of dissatisfaction upon the other party.

Service of notice of dissatisfaction

(2) If the parties fail to agree upon an alteration in the agreement within two months of the delivery of the notice of dissatisfaction, the matter shall be referred forthwith to 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.

Reference to committee on failure to agree

(3) If either board fails to appoint its member of the committee within three months of the delivery of the notice of dissatisfaction, the Minister shall appoint some person to represent that board on the committee.

Failure to appoint member to committee

Fixation
of new
amount by
committee

(4) The amount determined by the decision of the committee or by a majority of its members shall be binding on the parties to the agreement and shall be effective,—

(a) on the first day of January of the current year if the committee decision is reached on or before the first day of March;

(b) on the first day of January of the following year if the committee decision is reached after the first day of March.

(5) Any amount determined by a committee under the provisions of subsection (4) shall be binding on the parties for three years from the date on which the committee's decision becomes effective unless the parties alter it under the provisions of section 40.

Exclusion Relating to Religious Instruction.

Vote on
question of
exclusion
of certain
districts

42. (1) If the board of any Roman Catholic school district or Protestant school district forwards to the Minister a certified copy of a resolution passed by the board requesting the exclusion of their school district from the division on account of dissatisfaction of the board with facilities for religious instruction, together with certified copies of resolutions passed by the boards of at least two other districts in the same division supporting the first mentioned resolution, the Minister, by order, shall,—

(a) direct the taking of a vote of the electors in that district as to whether or not the district is to be excluded from the division; and

(b) fix a date within sixty days of the receipt by him of such certified copies for the taking of the vote; and

(c) send by mail to the secretary of the district a copy of the order.

Poll of
electors

(2) Upon receipt of the order the board of the district shall hold a poll of the electors in the district upon the day fixed for that purpose and in the manner prescribed in the order.

Order for
exclusion

(3) If the vote shows a majority in favour of the exclusion of the district from the division, the Minister, as soon as possible, shall proceed to make an order for the exclusion of the district from the division to take effect not later than the thirty-first day of December following the taking of the vote.

Settlement
of assets
and liabilities
following
exclusion
of
district

(4) The provisions of this Act concerning settlement of assets and liabilities following exclusion of districts from divisions apply to any exclusion made under this section.

(5) Upon any order of exclusion taking effect the liabilities of the divisional board attributable to the excluded district shall in future be borne and paid by the district.

(6) The district shall not be again included in a division unless a vote has been taken in the district at which the inclusion is approved by a majority of the electors voting thereon, and the procedure for the inclusion shall be the same, in so far as possible, as that provided for the exclusion of the district.

Dissolution of District.

43. (1) The Lieutenant Governor in Council, by order, may declare that on and after a day therein to be named any district shall be dissolved and thereupon it and the board thereof shall cease to have any of the rights, powers and privileges vested in it by this Act.

Dissolution
of district

(2) Upon the dissolution of the district the Minister may appoint one or more persons to adjust and settle the assets and liabilities of the district and may fix his or their remuneration.

Settlement
of assets
and liabilities
of
dissolved
district

(3) The person or persons appointed may sell and dispose of all the assets and property of the district and apply the proceeds so far as they will extend,—

(a) firstly, in payment of the liabilities of the district;
and

(b) secondly, in payment of his or their remuneration.

(4) If the amount realized is insufficient to pay and satisfy the liabilities of the district and his or their remuneration, then the person or persons shall have all the powers formerly vested in the board to levy and collect such taxes or to requisition the municipality or municipalities in which the district is situated for such sum or sums of money as may be required to pay and satisfy the indebtedness or any balance thereof remaining unpaid and all expenses connected therewith.

Procedure
when
insufficient
assets to
satisfy in-
debtedness

44. If any surplus remains after the payment of all liabilities of a dissolved district and the expenses and remuneration of the persons appointed to adjust and settle the assets and liabilities of the district, the Lieutenant Governor in Council, by order, may direct that the surplus or any specified part thereof be paid,—

Disposition
of surplus
moneys

(a) to any specified ratepayer of the dissolved district;
or

(b) to any district or division to which the lands or any part of the lands of the dissolved district have been added; or

(c) to the Provincial Treasurer to be dealt with by him as if the same were moneys paid to him under *The Educational Tax Act*;

and the surplus shall be dealt with and disposed of accordingly.

Distribution of assets and liabilities upon dissolution of consolidated district

45. (1) Notwithstanding anything contained in sections 43 or 44, upon the dissolution of a consolidated school district, the Minister, by order may distribute the assets and liabilities of the consolidated school district between or among the several districts included in the consolidated district prior to its dissolution in such manner as he may deem proper.

(2) If any such district is or has been included in a division the assets and liabilities of the consolidated district allocated by the order of the Minister to any such district shall be deemed to have been vested in the division from the date of the order including the district in the division.

Publication in The Alberta Gazette.

Orders to be published in Alberta Gazette

46. Every order of the Minister or of the Lieutenant Governor in Council,—

- (a) establishing a district or constituting a division;
- (b) altering the boundaries of a district or division in any manner;
- (c) altering the boundaries of a subdivision within a division;
- (d) altering the name or number of a district or division or subdivision;
- (e) dissolving a district;
- (f) making provision for the disposal of the assets and liabilities of a district or division which has been dissolved or whose boundaries have been altered;

shall be published in *The Alberta Gazette* and the publication shall be final and conclusive evidence that all the requisites for the order have been complied with.

PART II

MEETINGS OF ELECTORS

First School Meetings.

Calling of first school meeting

47. (1) A first school meeting of the electors of a proposed district or of a district established by the Minister shall be called by the person or persons required by this Act to do so, immediately upon the receipt by such person or persons of a direction to do so from the Minister.

Posting of notices of first school meeting

(2) The meeting shall be called by posting up a notice, in such form as may be prescribed by the Minister, in at least six widely separated places within the limits of the district or proposed district.

(3) Every notice shall be posted up at least two weeks prior to the date thereby fixed for the meeting and shall state the time and place of the meeting.

48. The person whose duty it is to post the notices of any first school meeting shall give to the Minister in the form prescribed by him notice of this meeting at least two weeks prior to the date fixed therefor.

Notice to
Minister

49. The persons entitled to vote at a first school meeting shall be the electors present.

Persons
entitled to
vote at
first school
meeting

Election and Functions of Chairman.

50. (1) The electors present at the meeting shall elect one of their number as chairman of the meeting.

Chairman
and
secretary of
first school
meeting

(2) The chairman shall appoint a secretary, who shall record the minutes of the meeting and perform such other duties as may be required of him by this Act.

51. The chairman, upon his election, shall sign a declaration in the form prescribed by the Minister that he is an elector of the district or of the proposed district.

Declaration
by chairman

52. (1) After the election of a chairman any elector wishing to take part in the meeting and vote shall sign in the presence of the chairman and secretary a declaration in the form referred to in section 51.

Declaration
required
by elector to
participate
in first
school
meeting

(2) A person who has not signed the declaration shall not be entitled to take any part in the meeting or vote thereat.

53. The chairman shall not vote upon any question at the meeting whether decided by show of hands or a poll, except in the case of a tie, when he shall give a casting vote.

Chairman
of first
school meet-
ing to vote
only in case
of tie

54. (1) At a first school meeting of a proposed district the chairman, after the signing of the declarations referred to in sections 51 and 52, shall provide a period for questions and discussion with respect to the proposed establishment.

Poll as to
establish-
ment of
district

(2) Immediately after the period for questions and discussion, but not later than ninety minutes after the opening of the meeting, the chairman shall proceed to take a poll of the votes of the electors for and against the establishment of the district.

(3) The poll shall be taken by secret ballot.

55. The chairman shall preside over the taking of the poll, and the secretary shall act as the poll clerk.

Conduct
of poll

56. (1) The poll shall remain open for one hour.

Poll open

(2) At the end of that time the chairman shall declare the poll to be closed and shall proceed to sum up the votes and to declare the result of the poll.

Result
of poll

Nomination and Election of Trustees in a Proposed District.

Proceedings
after poll
favourable
to establish-
ment of
district

57. (1) If the result of the poll is favourable to the establishment of the district, the meeting shall proceed to the nomination and election of trustees.

(2) All the provisions of this Act relating to the nomination and election of trustees at an annual meeting of a district other than a town district shall apply to this nomination and election.

Information
to be sent to
Minister
after first
school
meeting

58. The chairman, within ten days of the meeting, shall send to the Minister,—

- (a) a copy of the notice calling the meeting;
- (b) due proof, in such forms as the Minister may require, of posting the notices calling the meeting;
- (c) a copy in the form prescribed by the Minister of the minutes of the meeting;
- (d) the declarations of the chairman and the electors.

Annual Meetings in Non-Divisional Districts.

Town and City Districts.

Annual
meeting of
town or city
district
and notices
thereof

59. (1) An annual meeting of the electors and ratepayers of every non-divisional town district shall be held at the time and place appointed by the board which, in the board's discretion, may be the time and place appointed for the annual meeting of the electors of the town.

(2) The board of a non-divisional city district, in its discretion, may hold an annual meeting of the electors and ratepayers of that district and if a meeting is held it shall be at the time and place appointed by the board.

Notice of
meeting

(3) Notice of the time and place at which the annual meeting, if any, is to be held shall be given by the publication of notice at least once a week in each of the two weeks preceding that in which the meeting is to be held in a newspaper published in the district, or if there is no such newspaper, then in the manner set out in section 61, subsection (2).

Statements
and reports
of annual
meeting in
town or city
district

60. (1) At the annual meeting held in a town or city district, the statements and reports required to be read at a meeting in a rural district shall be read, unless the reading of any or all of them is dispensed with by resolution passed to that effect by the electors and ratepayers present.

(2) Any elector or ratepayer of the district shall have access to the reports and statements either during or after the meeting.

(3) If the board is authorized to do so by resolution of the electors and ratepayers at the annual meeting it shall have any or all of the reports or statements, or any parts of them, except the inspector's reports, printed in a newspaper published in Alberta and circulating within the district.

Rural, Village and Consolidated Districts.

61. (1) In every non-divisional rural, village and consolidated district a meeting of the electors and ratepayers of the district shall be held in the school house, or some other suitable place within the district, not later than the twentieth day of February in each year, commencing at any fixed hour between the hours of one and eight inclusive, in the afternoon.

Annual meeting in rural, village or consolidated district

(2) The board of every such district shall call the meeting by posting notices not later than the eighth day before the day fixed for the meeting, in six conspicuous widely separated places within the district, which notices shall set forth the day, place and hour of the meeting.

Posting of notices of annual meetings

(3) In a consolidated school district the meeting shall be held at a central place within the district.

Meeting in consolidated district

62. (1) The electors present at the meeting shall elect one of their number as chairman of the meeting, who shall take the chair and call the meeting to order.

Chairman and secretary at annual meetings

(2) The secretary of the board, or someone appointed by the chairman, shall record the minutes of the meeting and perform any other duties that may be required of him by this Act.

63. The chairman shall not vote on any question, whether it is to be decided by a show of hands or a poll, except in case of a tie, when he shall give a casting vote.

Chairman at annual meeting to vote only in case of tie

64. Ratepayers and electors shall be entitled to take part in the annual school meeting, but only the electors present shall be entitled to vote for the election of a trustee.

Persons entitled to participate in annual meeting

65. The chairman shall conduct the business of the annual meeting in the following order,—

Order of business at annual meeting

- (a) the minutes of the last annual meeting;
- (b) the reports prepared by the principal or teacher, the trustees, the treasurer, and the auditor;
- (c) the report of the inspector;
- (d) miscellaneous business;
- (e) nomination of trustees;
- (f) election of trustees unless a deferred poll has been ordered by the Minister.

66. (1) The report of the principal or teacher shall be signed by him, and give the following particulars,—

Report of principal or teacher

- (a) the number of days on which school was kept open during each term succeeding the last annual meeting;
- (b) the total number of children attending school during that period;

- (c) the average daily attendance for each term and for the year;
- (d) the classification of pupils and the number of pupils in each grade.
- Report of trustees (2) The trustees' report shall be signed by the chairman, and shall give the following particulars,—
- (a) the names of the trustees;
- (b) the officers of the district appointed by the trustees, and their salaries;
- (c) the vacancies created in the board during the year, giving the causes thereof, with an account of the elections held to fill the vacancies and the results thereof;
- (d) the engagements binding upon the board, with special reference to those entered into during the previous year;
- (e) the number of regular and special meetings of the board held during the year, together with a statement showing the number of meetings attended by each trustee.
- Report by treasurer and auditor (3) The treasurer's and auditor's report shall cover the fiscal year ending on the thirty-first day of December preceding the annual meeting, and it shall be in the form prescribed by the Minister.
- Statement by treasurer in tax collecting (4) In any district authorized by the Minister to levy and collect taxes, the treasurer shall also prepare and sign a statement for the annual meeting respecting taxation for school purposes, in which he shall set forth,—
- (a) the total assessed value as shown by the last revised assessment roll of all property and businesses in respect of which the district levies and collects taxes;
- (b) the mill rate struck by the board;
- (c) the total amount levied for taxes in the preceding year;
- (d) the amounts received by the district during the preceding year on account of current taxes levied and collected by the district;
- (e) the aggregate amount of all arrears of taxes which the district is entitled to receive;
- (f) the aggregate amount of all payments received during the preceding year on account of arrears.
- Report of inspector (5) The inspector's reports received since the immediately preceding annual meeting was held shall be read, except such parts thereof as refer to the teacher or to the work or qualifications of the teacher, which parts shall not be read unless the meeting by resolution so directs.
- Further reports (6) Any further reports in relation to the affairs of the district may be considered and disposed of by the meeting.

67. (1) Except in a consolidated school district, as soon as the business of the district has been transacted or ninety minutes after the opening of the meeting, if the other business is not then concluded, the chairman shall call for nominations for the office of trustee.

Election of trustee in district other than consolidated district

(2) If upon the call for nominations being made all the business of the meeting has not been concluded, the unfinished business shall be set over until the result of the election has been declared or the deferred polling date announced, and thereupon the transaction of the unfinished business shall be proceeded with.

Adjournment of annual meeting until trustees elected

(3) In a consolidated school district, as soon as the business of the district, including the election, if necessary, of the trustee at large, has been transacted,—

Election of trustee in consolidated school district

(a) the meeting of the consolidated school district shall adjourn; and

(b) the electors of each district included in the consolidated school district, the term of office of whose trustee has expired or for which there is a vacancy to be filled, shall meet separately.

(4) Each separate meeting shall elect a chairman who shall appoint a secretary and proceed to conduct the election of a trustee in accordance with the provisions of this Act for the election of trustees.

68. (1) Nominations and elections at the annual meeting shall be conducted in accordance with the procedure set out in Part IV.

Nominations and elections at annual meeting
Minutes of annual meeting

(2) A copy of the minutes of the annual meeting, signed by the chairman and the secretary of the meeting, shall be transmitted forthwith to the Department.

Annual Meetings in Divisional Districts.

69. (1) In each divisional district in which a school is in operation an annual meeting of the electors and ratepayers shall be held.

Annual meetings in divisional districts

(2) The meeting shall be called in the same manner and shall be held at the same time as if the district were a non-divisional district.

(3) By means of posting notices or in some other manner satisfactory to the Minister, notice of the meeting shall be given to persons, if any, who have become electors of the district under section 84.

Fixing of date and notice of meeting by divisional board

(4) The board of the division, with respect to any district in the division in which no meeting has been held as hereinbefore provided, may fix a date for the holding of the meeting and advertise it in the manner provided in subsection (2) of section 61.

Notice to electors under section 84

(5) The business shall be limited to the nomination and election of trustees when required and to the consideration of such matters as the meeting may decide by resolution to consider.

Business at divisional district meeting

(6) A copy of the minutes of the meeting signed by the chairman and the secretary shall be forwarded to the divisional board within ten days of the date of the meeting.

Minutes of divisional district meeting

Deferred School Meetings.

Deferred
school
meetings

70. If any first, annual or other school meeting required to be held by this Act is not held at the proper time, the secretary of the board, when requested to do so by any two electors, or by the Minister, shall call the meeting by posting notices in the manner prescribed by this Act.

Special Meetings.

Special
meetings of
electors

71. (1) A special meeting of the electors of a district may be held at any time for any necessary purpose.

When
special
meeting to
be called

(2) The secretary of the board shall call a special meeting,—

- (a) upon the request of the board;
- (b) upon the request of the Minister;
- (c) upon the request of an inspector;
- (d) upon the request in writing of ten electors or a majority of the electors, whichever is the lesser.

Notices of
special
meetings

(3) The notices calling a special meeting shall set forth the purposes of the meeting and shall be posted in the manner provided for notices of annual meetings in that district.

Business
at special
meetings

(4) At the special meeting the electors present shall elect a chairman and a secretary, and no business shall be considered by the meeting other than that mentioned in the notice calling the same.

Annual Meetings in Subdivisions.

Annual
meeting in
subdivision

72. (1) An annual meeting of the electors and rate-payers of the districts within each subdivision of a division shall be held upon a date between the first day of November and the fifteenth day of December inclusive at a place and time fixed by the divisional board.

(2) Notwithstanding subsection (1), if for unavoidable reason the meeting is not held on or before the fifteenth day of December, it shall be held on any later date that the Minister may approve or set.

When
annual
meeting
may be held
jointly

(3) By resolution of the divisional board and subject to the approval of the Minister, the annual meeting of two or more subdivisions may be held jointly at the same place and time.

Notice of
annual
meeting in
subdivision

(4) The secretary of the division, not later than the eighth day prior to the date fixed for holding the meeting, shall post up, or cause to be posted up, a copy of the notice in writing in the form prescribed by the Minister,—

- (a) in each operating school within the subdivision or subdivisions for which the meeting is to be held; and

- (b) in a conspicuous place near each post office within the subdivision or subdivisions; and
 - (c) in a conspicuous place near each post office located within any town or village district adjacent to the subdivision or subdivisions.
- (5) The secretary of the division shall also give notice of the meeting by any one of the following methods,—
- (a) by causing, prior to the date of the meeting, a copy of the notice of the meeting to be printed in at least two issues of each newspaper published in the division or in any town or village adjacent to any district of the division, and if there is no such newspaper, then in at least two issues of each of two daily newspapers published in Alberta circulating within the division; or
 - (b) by causing, not later than the eighth day prior to the date fixed for holding the meeting, a copy of the notice of the meeting to be posted up in each of five other widely separated conspicuous places, in each district of the subdivision or subdivisions for which the meeting is to be held; or
 - (c) by causing an announcement, giving the time, place, date and purpose of the meeting, to be made between the hours of seven o'clock and ten o'clock in the evening on three successive days during the eight days immediately prior to the day of the meeting, on a radio station whose broadcast area covers the entire division.

(6) If an election is to be held in a subdivision the secretary of the division, not later than fifteen days prior to the date fixed for the holding of the annual meeting, shall deliver or cause to be delivered at least two copies of the nomination form and of the acceptance form referred to in section 133 to the secretary of each district within that subdivision.

Delivery of nomination and acceptance forms in subdivision

(7) Nomination and acceptance forms shall also be made available to an elector of the subdivision at the office of the secretary of the division.

73. (1) At the time specified in the notice for the commencement of the meeting, the electors and ratepayers present shall elect one of their number as chairman of the meeting who shall take the chair and call the meeting to order.

Election of chairman at subdivision meeting

(2) The secretary of the division, or in his absence someone appointed by the chairman, shall record the minutes of the meeting and perform any other duties that may be required of him by this Act.

(3) The chairman shall conduct the business of the annual meeting in the following order,—

Order of business at annual meeting in subdivision

- (a) the minutes of the last annual meeting;
- (b) the superintendent's report;
- (c) the report of the board;
- (d) the last annual financial statement and auditor's report;

- (e) the budget adopted by the board for the then current year;
- (f) a report of the current financial standing of the division;
- (g) any other statements, communications and reports that may relate to the affairs of the division.

(4) Full opportunity shall be afforded for discussion of all reports, statements and communications that may come before the meeting.

Nominations
at subdivi-
sion meeting

(5) If an election is to be held, the secretary of the division, if present, shall receive nominations at any time within two hours from the opening of the meeting.

(6) In the absence of the secretary of the division, the secretary of the meeting shall receive the nominations and shall deliver them forthwith to the secretary of the division.

Minutes of
annual
meeting in
subdivision

(7) A certified true copy of the minutes shall be forwarded to the Department without undue delay by the secretary of the meeting.

PART III.

BOARDS OF TRUSTEES.

Constitution of Boards.

District Boards.

Board of
trustees for
every
district

74. In each district, unless otherwise provided by this Act, there shall be a board of trustees, and the members of the board shall be a corporation under the name of "The Board of Trustees of School District No." and shall have a common seal.

Divisional Boards.

Constitution
of divisional
board of
trustees

75. (1) Subject to the provisions of section 39, the board of a division shall consist of one trustee for each subdivision.

(2) The members of the board of a division shall be a corporation under the name of "The Board of the School Division No." and shall have a common seal.

Rural and Village District Boards.

Constitution
of board
in rural
and village
district

76. In every rural or village district other than one with respect to which the Minister has made an order under section 77, the board of trustees shall consist of three trustees.

Power of
Minister as
to number
of trustees

77. (1) The Minister, with respect to any rural or village district, may direct, by order, that the board of trustees of the district shall consist of five trustees.

(2) At the next election of trustees after the making of the order two trustees shall be elected for a term of two years and one trustee for a term of one year.

Terms of office of trustees following Minister's order

(3) The two trustees of the district whose terms have not expired shall continue to hold office for the terms for which they were respectively elected.

(4) The term of office of each trustee elected to take the place of a trustee whose term of office has expired shall be two years.

78. (1) In any divisional rural district the electors, by resolution at the annual meeting, may provide that the board shall consist of one trustee only whose term of office, notwithstanding the other provisions of this Act, shall be one year, and who, notwithstanding the provisions of section 161, subsection (2), may act as secretary of the board.

Resolution providing for one trustee in divisional rural district

(2) Upon the passing of a resolution pursuant to subsection (1), the terms of all sitting trustees shall be deemed to have expired and the electors shall proceed to the election of the single trustee provided for by the resolution.

Expiration of terms of office of divisional rural district board of trustees

Town and City District Boards.

79. (1) Subject to the provisions of subsection (2), in every town or city district, the board of trustees shall consist of five trustees.

Constitution of board in town or city district

(2) The Minister, by order, may direct that the board of trustees in a city district shall consist of seven trustees, and, in the same or a subsequent order, may make provision for the terms of office of the trustees to be elected.

Power of Minister as to number of trustees in city district

80. (1) Upon a rural or village district becoming a town district,—

Constitution of board of trustees for rural or village district which has become a town district

(a) the first nomination and election of trustees for the town district shall be held at the same times as the nomination and election of town councillors; and

(b) the trustees whose terms have not then expired shall continue to hold office for the terms for which they were respectively elected.

(2) If the board has consisted of three trustees, two trustees shall be elected for a term of two years and one trustee for a term of one year.

(3) If the board has consisted of five trustees, the two or three trustees needed to fill the vacancies shall be elected for a term of two years.

81. (1) With respect to a divisional town district the Minister, upon request of the board of the district, may order that the board shall consist of three trustees only, and the order shall,—

Power of Minister with respect to divisional town district board of trustees

- (a) provide 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
 - (b) provide for the retirement of one trustee each year.
- (2) The term of office of each trustee elected to take the place of a trustee whose term of office has expired shall be three years.

Consolidated District Boards.

Constitution of board of trustees for consolidated district

82. (1) In every consolidated school district which does not include a town, the board of trustees shall consist of one trustee for each district included therein; and in every consolidated school district which contains a town, the board of trustees shall consist of two trustees for the town district and one trustee for each other district included therein.

(2) If the board so constituted should consist of an even number of trustees, then the board shall consist of the number of trustees aforesaid and one additional trustee, who shall be elected by the electors of the consolidated district at large.

Responsibility of consolidated school district board of trustees

83. The board of a consolidated school district shall have the administration of the educational affairs of all the districts in the consolidated district.

Boards of Divisional Districts Having Centralized Schools.

Rights of electors of divisional district where school closed

84. (1) Notwithstanding any other provisions of this Act, if the school of a divisional district is closed and provision is made for the education of the pupils of that district in another district of the division, upon application of the board of the division, the Minister may order that the electors of the district shall be deemed to be, and shall have all the rights and privileges of electors of the district in which the school attended by the pupils is situated.

Ministerial order re divisional district where school closed

(2) Upon the making of the order,—

- (a) the board of the first mentioned district shall cease to hold office; and
- (b) the board of the district in which the school is situated shall be deemed to be the board of each district named in the order.

(3) The order issued pursuant to subsection (1) may provide that the board shall not include more than a specified number of trustees resident within the district in which the school is situated and that one or more designated trustees resident within that district shall cease to hold office on the date fixed in the order.

(4) 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.

(5) If the district in which the school attended by the pupils is situated has been included in the division following an agreement under section 32, the trustee or trustees resident in the district shall be deemed to be the board of the district with respect to the making of any alteration in the agreement, and the trustee or trustees not resident in the district shall have no powers with respect to any such alteration.

Resignation of Trustees.

85. (1) Any trustee wishing to resign may do so by sending notice in writing to the secretary of the board. Resignation
of trustee

(2) The remaining member or members of the board shall immediately take the necessary steps to fill the vacancy.

(3) The resignation shall take effect only upon the date of the election of a new trustee.

(4) A trustee who resigns his office may be re-elected with his own consent. Re-election
of trustee

(5) All the trustees of a board may resign by transmitting to the Minister a notice in writing to this effect, and their resignation shall be effective on the date on which their successors are elected or appointed. Resignation
of all
trustees

Disqualification of Trustees.

86. No teacher under contract to a board shall hold the office of trustee in any district or division. Ineligibility
of teacher

87. (1) Any trustee who,—

- (a) is convicted of a criminal offence punishable by a term of over one year's imprisonment; or
- (b) is convicted of any offence against the provisions of this Act, for which a penalty is provided; or
- (c) becomes insane; or
- (d) absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes; or
- (e) ceases to reside within the district or, in the case of a divisional trustee, within the subdivision for which he is a trustee;

shall be deemed to have vacated his seat, and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election to fill the vacancy.

(2) A person who is convicted of a criminal offence punishable by a term of over one year's imprisonment shall be disqualified from nomination or election to the office of trustee for a period of three years from the date of conviction. Disqualifi-
cation of
trustee

Prohibited Transactions.

Contracts
by trustees
with board
prohibited

88. (1) No trustee of any district or division shall enter into any contract in which he has any pecuniary interest with the board of which he is a member, in his own name or in the name of another, alone or jointly with another.

(2) Every such contract entered into by a trustee shall be void.

Payments
to trustee
prohibited

(3) No trustee shall receive payment for any work done or for materials supplied to any person in connection with any contract awarded or purchase made by the board while the trustee was a member of the board.

(4) A trustee violating the provisions of this section shall be deemed to have vacated his seat, and the remaining trustees shall declare his seat vacant and forthwith proceed to fill the vacancy in the manner provided by this Act.

Offence and
penalty for
violation of
section 88

(5) A trustee violating the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

Permissible
payments
to trustee

(6) Nothing in this section shall prevent a trustee from receiving,—

- (a) remuneration from the board for casual or part time employment as secretary, treasurer, janitor, local attendance officer, assessor or collector;
- (b) the purchase price of a school site;
- (c) a sum not exceeding ten dollars in any one year for labour or goods supplied;
- (d) reasonable allowances for travelling expenses and subsistence when engaged away from his place of residence on business of the board authorized by a resolution of the board;
- (e) payment under Part X on account of any pupil of whom the trustee is the parent or guardian.

Permissible
transactions
of trustee

(7) Nothing in this section shall prevent a trustee of a district, other than a city district, who is a merchant, from making sales of goods and merchandise to the board or to persons contracting with the board in the ordinary course of his business, and to receive payment for such goods and merchandise at the ordinary retail price to an amount not in excess of one hundred and fifty dollars in any one year.

(8) A trustee of a city district or of a division may make such sales to an amount not in excess of three hundred dollars in any one year.

Ousting of Trustee from Office.

Application
to judge
to oust
trustee

89. (1) Any two or more electors of a district may apply to a judge for a direction calling upon a trustee of that district or of the division in which the district is included to show cause why he should not be ousted from office.

(2) Each of the applicants shall file with the judge an affidavit showing that the trustee is unfit to act as trustee by reason of,—

Contents of affidavit to be filed with application to oust trustee

- (a) a violation of section 88; or
- (b) gross neglect of duty; or
- (c) neglect or wilful failure to carry out any provision of this Act; or
- (d) any other matter whatsoever, which need not be of a nature similar to those specified in clauses (a) to (c).

(3) The applicant shall pay into court the sum of fifty dollars as security for costs.

Security for costs on application to oust trustee

90. Upon the application, the judge shall fix the time and place for the hearing of the complaint and may give such further directions as to service of notice of the hearing as he may deem proper.

Hearing application to oust trustee

91. (1) Upon the hearing of the complaint if the judge is satisfied by affidavit or oral evidence that the trustee is unfit to act as trustee the judge shall declare the trustee to be ousted from office.

Order of ouster of trustee

(2) If the judge is not so satisfied, he may dismiss the complaint.

Dismissal of application to oust trustee

(3) The costs of the proceedings shall be paid by such person or persons as the judge in his discretion may direct.

92. Any trustee so ousted from office shall not be eligible for nomination or election as trustee in any district or division within three years thereafter.

Period of ineligibility of trustee after ouster

Tenure of Office.

93. Every trustee shall continue to hold office until his successor has been duly elected or appointed, as the case may be, unless he has become disqualified by reason of any of the provisions of sections 87, 88 and 91, in which event he shall cease to hold office upon becoming so disqualified.

Term of office of trustee

94. (1) One of the three trustees elected to the first board of a rural or village district shall retire at each of the first three annual meetings following their election and their respective terms of office shall be determined in accordance with section 117, subsection (3).

Terms of office on first board of rural, village or consolidated district

(2) The trustee, if any, elected by the district at large to the first board of a consolidated school district shall hold office until the first annual meeting following the election.

(3) One of the trustees, if any, elected to the first board of a consolidated school district to represent a town district shall hold office until the first annual meeting and the other trustee shall hold office until the second annual meeting following the election.

(4) The other trustees elected to the first board of a consolidated school district shall hold office until the first or second annual meeting following the election in accordance with the outcome of the procedure outlined in subsection (5).

(5) At the organization meeting of the first board of a consolidated school district the chairman shall determine the distribution of alternate terms of office among the members by the drawing of lots.

Terms of office of first board of town or city district

95. The trustees elected to the first board of a town or city district shall hold office for the terms for which they were respectively elected pursuant to section 80, or in accordance with an order of the Minister.

Term of office of replacing trustee in rural or village district

96. In a rural or village district each trustee elected to take the place of a trustee whose term of office has expired shall hold office for three years except as provided in section 77, subsection (4) and section 78, subsection (1).

Term of office of replacing trustee in town or city district

97. In a town or city district each trustee elected to take the place of a trustee whose term of office has expired shall hold office for two years except as provided in section 80, subsection (2) and section 81, subsection (2).

Term of office of replacing trustee in consolidated school district

98. (1) A person elected as a trustee of a consolidated school district to fill the position of a trustee whose term of office has expired shall hold office for a term of two years from the date of the next organization meeting of the board.

(2) Notwithstanding subsection (1) the additional trustee elected by the district at large under section 82, subsection (2) shall hold office for a term of one year.

Term of office of trustees of first board of division

99. (1) Members of the first board of a division shall hold office from the date of the organization meeting for the following terms,—

(a) on a five-member board, two members for three years, two members for two years, and the remaining member for one year;

(b) on a three-member board, one member for three years, one member for two years, and the remaining member for one year.

Distribution of terms of office of divisional trustees

(2) At the organization meeting of the first board of a division, the chairman shall determine the distribution of terms of office among the members by the drawing of lots.

Term of office of divisional trustees following general election

100. Any person elected as a member of a divisional board at a general election to fill the position of a member whose term of office is about to expire shall hold office for a term of three years from the date of the next organization meeting of the board.

Concluding date of expiring term of office of divisional trustee

101. Where the term of office of a member of a divisional board expires in any year, his term of office shall conclude in that year on the day preceding the organization meeting.

102. Following the transfer from a subdivision of all the districts therein to another subdivision or other subdivisions in the same division, the first mentioned subdivision shall cease to exist and the person holding the office of trustee for that subdivision shall cease to be a member of the divisional board, and the board of the division shall be comprised of the trustees of the remaining subdivisions.

Constitution of board of division following reduction in number of subdivisions

103. When a board is elected in a district or division to replace an official trustee appointed by the Minister, the terms of office of the trustees shall be determined as for the first board of that district or division.

Terms of office on board replacing official trustee

PART IV.

ELECTION OF TRUSTEES.

Persons Entitled to Vote.

104. The following persons are entitled to vote at an election in a proposed district,—

Voters in a proposed district

- (a) a Canadian citizen of the full age of twenty-one years who is a resident of the proposed district, and who,—
- (i) is the owner of property in the proposed district which, if the district were established, would be liable to assessment for school purposes; or
 - (ii) is the tenant of property in the proposed district which would then be liable to assessment for school purposes; or
 - (iii) is the tenant under an agricultural lease issued under *The Public Lands Act* of property in the proposed district; or
 - (iv) is the lessee from the Crown of property in a special area and in the proposed district;
- (b) the husband, wife, son, daughter, father or mother of any person described in clause (a) if the husband, wife, son, daughter, father or mother is a Canadian citizen of the full age of twenty-one years and a resident of the proposed district.

105. The following persons are entitled to vote at an election in an established district other than a town or city district,—

Voters in an established district other than town or city

- (a) a Canadian citizen of the full age of twenty-one years who is and has been a resident of the district for a period of not less than thirty days; and who,—
- (i) is the owner of property in the district liable to assessment for school purposes; or

- (ii) is the tenant of property in the district liable to assessment for school purposes; or
- (iii) is the tenant under an agricultural lease issued under the provisions of *The Public Lands Act* of property in the district; or
- (iv) is the lessee from the Crown of property in a special area and in the district;
- (b) the husband, wife, son, daughter, father or mother of any person described in clause (a) if the husband, wife, son, daughter, father or mother is a Canadian citizen of the full age of twenty-one years and a resident of the established district;
- (c) a resident who is a Canadian citizen and who has in the current year or the previous year paid to the district or to a municipality situated wholly or in part within the district, a tax for school purposes other than a tax payable for school purposes in respect of property;
- (d) a person who is an elector of the district by virtue of an order of the Minister made pursuant to section 84.

Voters in town or city district **106.** The following persons are entitled to vote at an election in a town or city district,—

- (a) a Canadian citizen of the full age of twenty-one years whose name is on the town or city voters' list who is entitled to vote in the town or city under the provisions of *The Town and Village Act, 1952*, or of *The City Act*;
- (b) a resident of that portion of the district which lies outside the town or city, who would be an elector under section 105 if he were a resident of a rural district and who declares that he is an elector of the district in the form prescribed by the Minister;
- (c) a person who is an elector of the district by virtue of an order of the Minister made pursuant to section 84, and who declares that he is an elector of the district in the form prescribed by the Minister.

Voters in subdivision **107.** The persons entitled to vote at an election in a subdivision of a division are the persons entitled to vote in the districts comprised in the subdivision.

Secret Ballot.

Poll for election of trustee **108.** The poll for the election of a trustee shall be by secret ballot.

Annual Elections in Town and City Districts.

109. (1) The secretary of a town district, at least twenty days prior to the date fixed for the municipal nominations in each year, shall give notice to the secretary-treasurer of the town of the number of vacancies to be filled.

Notice of vacancies in town or city district

(2) The secretary of a city district shall give notice to the city clerk of the number of vacancies required to be filled to make the board complete as required by section 173 of *The City Act*.

110. (1) Nomination and election of trustees in a town or city district shall be held at the same time and place, and by the same returning officer and conducted in the same manner as municipal nominations and elections of councillors or aldermen, except,—

Nomination and election of trustees in town or city district

- (a) as to qualifications for nomination, which, subject to *The City Act*, shall be as provided for in this Act for other districts; and
- (b) as to qualifications to vote, which shall be as provided for in section 106.

(2) The provisions of *The Town and Village Act, 1952*, or in the case of a city district, the provisions of *The City Act* respecting the time for receiving nominations and for opening and closing the poll and the procedure governing the conduct of elections generally, in so far as they may be made applicable, shall apply to the election of school trustees.

111. (1) The secretary-treasurer of the town or the city clerk shall deliver to the returning officer, before the opening of the poll for the election of trustees, a list of all the electors residing in the urban portion of the district.

Voters' list

(2) If there is a separate school district, he shall place opposite the names of any persons on the said list who are known to him to be electors of the separate school district the letters "SS".

Separate school supporters

(3) The returning officer shall not deliver to any elector of the separate school district a ballot paper for the election of public school trustees and he shall deliver ballots for the election of separate school trustees to electors of the separate school district only.

Delivery of ballot papers

112. (1) A separate set of ballot papers shall be prepared by the returning officer, containing the names of the candidates nominated for school trustees.

Separate ballot papers for school trustees

(2) The ballots shall be in the same form as those used for councillors, except for the substitution of the words "school trustee" for "councillor" or "alderman".

Objection to right of voter **113.** (1) If an objection is made to the right of any person to vote at an election of trustees in a town or city district, the returning officer may require the person whose right of voting is questioned, to make the affirmation in the form prescribed by the Minister that he is a *bona fide* elector of the district.

(2) Any person making the affirmation shall be permitted to vote.

Declaration of result of poll in town or city district **114.** Within ten days after the annual election of trustees in a town or city district, the secretary of the district shall forward to the Department a certified copy of the returning officer's declaration as to the result of the poll.

Certain town and city districts hold election as in village districts **115.** Sections 109 to 114 do not apply to a town or city district named in an order under section 84, but in such a district nomination and election of trustees shall be conducted as nearly as may be in the manner prescribed for a village district.

Annual Elections in Rural, Village and Consolidated Districts.

Nomination of trustees in rural, village or consolidated district **116.** (1) At the electors' meeting in a rural, village or consolidated district any two electors of the district may nominate for election as trustee a person who is,—

- (a) an elector of the district; and
- (b) able to read and write.

Withdrawal of nomination by trustee (2) A nomination shall be withdrawn if the nominee advises the chairman before the close of nominations that he does not desire to be nominated.

Receiving nominations of trustees (3) Nominations shall be received by the chairman for thirty minutes after he has first called for the same.

Election of trustee by acclamation **117.** (1) If there are no more nominations than there are trustees to be elected, the chairman shall declare the candidates nominated to be elected.

Poll for election of trustees (2) If there are more nominations than trustees to be elected, the chairman, at the close of the time for receiving nominations, unless a deferred poll has been ordered by the Minister, shall proceed to take a poll of the electors for the election of trustees, in the manner provided by this Act.

Terms of office of elected trustees (3) Where two or more trustees are being elected for different terms, then,—

- (a) if no poll is held the first trustee nominated shall be deemed to be elected a trustee for the longest term; the second trustee nominated shall be deemed to be elected for the next longest term; and so on;
- (b) if a poll is held the trustee receiving the highest number of votes shall be elected trustee for the longest term; the trustee receiving the next highest number of votes shall be elected trustee for the next longest term, and so on; and as between two or more trustees receiving the same number of votes, a trustee whose nomination is prior in time shall be deemed to have more votes than a trustee whose nomination is subsequent.

118. (1) The chairman of the electors' meeting shall preside at the taking of the poll and shall,—

Duties of chairman at trustees' election meeting

- (a) set apart a portion of the room where each voter may mark his ballot paper in privacy;
- (b) prepare a supply of ballot papers sufficient for the election;
- (c) provide a suitable box in which the ballot papers can be deposited.

(2) If the first chairman chosen is nominated for election as a trustee, the meeting shall then choose another of their number as chairman of the meeting, who shall preside at the taking of the poll and perform the functions required to be performed by the chairman.

Procedure if chairman nominated as trustee

119. Each ballot paper shall consist of a sheet of paper as nearly as may be four inches wide and six inches long, and may be either written or printed or partly written and partly printed, and shall contain the names of the candidates duly nominated, arranged in the alphabetical order of their surnames, and shall be in the form prescribed by the Minister.

Form of ballot paper at election of trustees

120. The chairman shall place his initials on the back of each ballot paper before delivering it to the voter.

Initialling ballot papers

121. (1) The chairman, if requested by an elector or of his own accord, may require any person wishing to vote at the election of a trustee to subscribe to a declaration in the form prescribed by the Minister that he is a *bona fide* elector of the district, and any person subscribing to the declaration, shall be permitted to vote.

Declaration of voter at election of trustees

(2) Every declaration shall be subscribed in the presence of the chairman and secretary, who shall subscribe their names as witnesses.

(3) All declarations subscribed pursuant to this section shall be retained by the chairman.

122. No voter shall vote more than once at any election, nor for a greater number of candidates than the number of trustees to be elected.

Number of votes

123. The voter shall,—

- (a) place a cross, (or X) on the ballot paper, to the right of the name of any candidate for whom he votes; and
- (b) fold it so as not to disclose any markings thereon, but so as to show the chairman's initials on the back; and
- (c) hand it to the chairman to be deposited in the ballot box; and
- (d) forthwith quit the polling place.

Method of voting at election of trustees

Illiterate voters

124. If a voter is unable to read or write, the chairman shall mark his ballot as directed by the voter in the presence of the secretary.

Poll book

125. The chairman shall cause a poll book to be kept in the form prescribed by the Minister, in which the secretary shall enter the name and place of residence of each voter, numbering the same in consecutive order.

Right of candidate or agent

126. A candidate for the office of trustee, or an agent appointed by him in writing may remain in the polling place.

Duration of poll

127. (1) Except as otherwise directed by the Minister, the poll shall remain open for two hours at the end of which time it shall be declared closed.

Extension of polling time

(2) The Minister may direct that in any district the poll shall remain open for a specified period longer than two hours and this direction shall remain in force until revoked.

Votes allowed after poll closed

(3) When the poll is declared closed, if there are electors in the polling place who have not yet voted, the chairman shall permit them to do so, but he shall not allow any other electors to vote.

Counting of ballots and declaration of result

128. Immediately after the closing of the poll, the chairman in the presence of all persons in the polling place, shall count the ballots and declare the result of the poll.

Rejected ballots

129. In counting the ballots the chairman shall examine the ballot papers individually and any ballot paper,—

- (a) which is not initialled as herein provided; or
- (b) on which more than the authorized number of votes are given; or
- (c) on which anything is written or marked by which the voter can be identified; or
- (d) which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

shall not be counted but shall be rejected and set aside as a rejected ballot.

Chairman may vote in case of tie at election of trustees

130. If it appears upon the counting of the ballots that two or more candidates for one vacancy have an equal number of votes, the chairman, before he declares the result of the poll, shall give a casting vote so as to decide the election, but except in such case the chairman shall not vote at an election.

Retention of ballot papers

131. The chairman, unless the Minister otherwise directs, or unless a judge otherwise orders, shall retain the ballot papers and all other papers used in connection with the election for two months after the date thereof, and shall then, unless otherwise directed or ordered as aforesaid, forthwith burn the ballot papers and other papers.

First and Annual Elections in Divisions.

Nominations.

132. (1) For the election of a first board in a division, nominations for the office of divisional trustee for each subdivision shall be called by means of a notice in the form prescribed by the Minister.

Nomination notice for election of a first board of trustees

(2) The secretary for the time being of the division, not later than fifteen days prior to the day fixed for the receipt of nominations, shall deliver, or cause to be delivered, at least two copies of the nomination form and the acceptance form referred to in section 133 and of the notice referred to in subsection (1), to the secretary of each district within each subdivision of the division who shall, not later than the eighth day prior to the date fixed for the receipt of nominations, post up a copy of the notice in each of five widely separated conspicuous places in the district, one of which shall be the school, if any.

Delivery of nomination and acceptance forms and posting of nomination notice for election of first board of trustees

(3) Nomination and acceptance forms shall also be made available to an elector of the subdivision at the office of the secretary of the division.

133. (1) A nomination for the office of divisional trustee shall be in writing in the form prescribed by the Minister.

Form of nomination for divisional trustee

(2) The nomination shall be valid only if signed by at least five persons, other than the nominee, each of whom shall be an elector of the subdivision.

Validity of nomination

(3) The nomination shall be accompanied by an acceptance in writing in the form prescribed by the Minister signed by the nominee and setting out his qualifications for nomination.

Acceptance of nominee

(4) A nominee shall be an elector of the subdivision and able to read and write.

Qualification of nominee

(5) A nominee for the office of divisional trustee, on or before six o'clock in the afternoon of the fifth day after the day for the receipt of nominations, may withdraw his nomination by delivering to the secretary of the division a statement in writing signed in the presence of two witnesses or in the presence of the secretary of the division requesting the withdrawal of his nomination.

Withdrawal of nominee

134. If the number of nominees in a subdivision does not exceed the number of trustees to be elected, or if, as a result of a withdrawal or withdrawals, the number of nominees has been reduced to the number of trustees to be elected, the nominee or nominees shall be declared elected by the secretary of the division and he shall certify the fact of the election in the manner prescribed in section 145.

Election of trustee by acclamation

135. If a nominee for the position of trustee for a subdivision, whose nomination has not been withdrawn pursuant to section 133, subsection (5), dies prior to the date set for the election, the nomination proceedings with respect

Voidance of nomination

to that subdivision shall be void and the position of trustee for the subdivision vacant, and the board shall forthwith proceed to fill the vacancy.

Elections.

Election of first board of trustees in division

136. (1) For the election of a first board, in a subdivision where there is more than one nominee, a poll shall be held in each district in that subdivision on the day and at the time and place fixed for that purpose in the Minister's order made pursuant to the provisions of section 23.

Date for subsequent elections of trustees in division

(2) For any subsequent election, in a subdivision where there are more nominees than the number of trustees to be elected, a poll shall be held in each district in that subdivision on the second Saturday in January or on any one of the three days prior to that day, and at such time and place as shall be fixed by the board.

When election held on later date

(3) Notwithstanding subsection (2), if the annual meeting in a subdivision is held at a date subsequent to the fifteenth day of December pursuant to section 72, subsection (2), the poll in that subdivision may be held at such date after the second Saturday in January as the Minister approves.

Notice to vote in another district

137. (1) Notwithstanding section 136, subsection (2), the board may direct the electors of a district in which no school is in operation to cast their votes at a poll conducted in some other district of the same subdivision.

(2) The direction to the electors of the district shall be given not later than the eighth day prior to the date set for holding the poll by any of the methods set forth in clauses (a), (b) and (c) of subsection (5) of section 72 and by letter to the secretary of the district.

Elector may vote at any poll

(3) An elector may cast his vote at any poll in the subdivision other than that in his district or that at which he has been directed to vote under subsection (1) if, before voting, he completes a declaration in the form prescribed by the Minister that he is an elector of a district in the subdivision.

Returning officer

138. (1) The secretary, or temporary secretary of the division, as the case may be, shall be the returning officer.

Deputy returning officer

(2) For each polling place in the subdivision and subject to the provisions of subsection (5), the board shall appoint a deputy returning officer who shall be an elector of the district within which the polling place is situated, and who shall have all the powers and perform all the duties that are assigned to the chairman in sections 118 to 129 inclusive.

Poll clerk

(3) The secretary of the district or, in his absence or failure to act, such person as the deputy returning officer may appoint,—

- (a) shall be the poll clerk and shall perform the duties that are assigned to the secretary in sections 121 and 125; and
- (b) shall act as the deputy returning officer in case of the absence or disability of the deputy returning officer, and in that event shall appoint some other person to act as poll clerk.
- (4) If so directed by the board, the person appointed to be deputy returning officer shall act also as poll clerk.
- (5) A candidate for election to the office of divisional trustee shall not act as a deputy returning officer or as a poll clerk. Candidate ineligible
- 139.** The returning officer not later than the eighth day prior to the date set for holding the poll,— Notice of poll
- (a) shall post up, or cause to be posted up, a copy of the notice of poll in the form prescribed by the Minister in each operating school and in a conspicuous place near each post office within the subdivision and also in a conspicuous place near each post office located in any town or village district surrounded by, or adjacent to, the subdivision; and
- (b) shall further give notice of the poll by using any of the methods set forth in clauses (a), (b) and (c) of subsection (5) of section 72.
- 140.** The returning officer shall cause to be printed or otherwise prepared, a supply of ballot papers sufficient for the purposes of the election, and not later than the day prior to the day for the holding of the poll, shall deliver a sufficient number of ballot papers to the deputy returning officer for each polling place within the subdivision. Delivery of ballot papers
- 141.** (1) In any city, town or village district the poll for a divisional trustee, by resolution of the board of the division, may be kept open for a period of not less than two hours between the hours of twelve o'clock noon and seven o'clock in the evening. Hours of poll for divisional trustee
- (2) The board of a division may provide by resolution that all polls for divisional trustees conducted in rural districts shall be kept open for three hours.
- 142.** The deputy returning officer and poll clerk may vote at the election. Deputy returning officer and poll clerk eligible to vote
- 143.** All provisions of this Part relating to election of trustees in districts, with the necessary changes being made, shall be applicable to the taking of a poll in a subdivision. Poll for election of trustee in subdivision
- 144.** Upon the close of the poll the deputy returning officer and the poll clerk shall,— Procedure following close of poll

- (a) count the ballots in the presence of at least two electors; and
- (b) make out and sign a statement in duplicate showing the result of the count of the ballots; and
- (c) forward one copy of the statement to the returning officer by mail; and
- (d) make up into a separate parcel the ballots cast, the other copy of the statement, the poll book, the rejected ballots, the unused ballots, the declarations and all other papers used in connection with the election; and
- (e) seal up the parcel and either deliver it to the returning officer or forward it to him by registered mail.

Counting
of ballots

145. (1) The returning officer shall retain the sealed parcels in his possession until he has received the sealed parcels from all the polling places in the subdivision.

(2) As soon as possible thereafter, upon reasonable notice to each of the candidates, and, in the presence of at least two electors, he shall,—

- (a) break the seals and open the parcels; and
- (b) count all the ballots therein; and
- (c) declare the person or persons with the greatest number of votes elected.

Procedura
in case of
tie vote

(3) If it is found that two or more persons have each received an equal number of votes, the person whose nomination is first shall be deemed to have more votes than the person whose nomination is subsequent.

Notification
of results
of election
of trustees

(3) The returning officer shall forthwith certify in writing to the secretary of each district in the subdivision and to the Minister, the name of the person or persons elected as a member or members of the divisional board for the subdivision.

Retention
and dis-
posal of
ballot
papers

(4) The returning officer, unless the Minister otherwise directs or unless a judge otherwise orders, shall retain the ballot papers and all other papers used in connection with the election for two months from the date of the election when, unless otherwise ordered or directed as aforesaid, he shall burn the ballot papers and other papers.

Contested Elections and Meetings.

Rural and Consolidated Districts.

Investigation
of com-
plaint as to
conduct of
meeting
or election

146. (1) Whenever complaint is made by an elector, verified by his statutory declaration, that the conduct or any part thereof of a school meeting or the election of a trustee in a rural or consolidated district has not been in conformity with this Act, the Minister may investigate the matter and render such decision as he deems proper.

(2) No such complaint shall be investigated by the Minister unless made to him in writing within thirty days after the holding of the meeting or election.

City, Town and Village Districts and Divisions.

147. (1) In a city, town or village district and in a division the validity of the election of a trustee may be contested before a judge upon the relation of an elector entitled to vote in the election and the proceedings thereon shall be the same as in the case of contested elections of councillors under *The Controverted Municipal Elections Act*.

Validity of election of trustee contested

(2) If, in the proceedings, the election of the trustee is held by the judge or by the Appellate Division of the Supreme Court to be invalid, then, subject to the provisions of section 154, subsection (2), an election shall be held forthwith to fill the vacancy and shall be conducted in accordance with the provisions for annual elections.

Proceedings in case of invalid election

Declaration of Office.

Districts.

148. (1) Every district trustee, other than an official trustee appointed by the Minister, before undertaking any of the duties of a trustee and taking his seat as a member of the board, shall make a declaration of office before the chairman of the meeting at which he was elected, or before a justice of the peace, or before a commissioner for oaths, in the form prescribed by the Minister.

Declaration of office of district trustee

(2) The chairman, justice of the peace, or commissioner for oaths before whom the declaration of office is taken shall deliver to the declarant a certificate signed by him in the form prescribed by the Minister.

Certificate of declaration of office of district trustee

(3) The certificate shall be delivered to the secretary of the board by the trustee at the first meeting of the board attended by him, and the secretary shall enter the fact of its delivery on the minutes of that meeting.

Delivery of certificate of declaration of office of district trustee

Divisions.

149. (1) Every divisional trustee, other than an official trustee appointed by the Minister, before undertaking any of the duties of a divisional trustee, and before he takes his seat as a member of the divisional board, shall make a declaration of office before a justice of the peace or before a commissioner for oaths, in the form prescribed by the Minister.

Declaration of office of divisional trustee

(2) Every justice of the peace or commissioner for oaths before whom the declaration of office is made, shall indorse upon or attach to the declaration a certificate in the form prescribed by the Minister.

Certificate of declaration of office of divisional trustee

Delivery of
certificate
of office of
divisional
trustee

(3) The aforesaid declaration, together with the certificate relating thereto, shall be delivered to the secretary of the division by the trustee at the first meeting of the divisional board attended by him, and the secretary shall enter the fact of the delivery on the minutes of that meeting and shall retain the declaration and certificate on file.

Elections to Fill Vacancies in Boards of Trustees

Tenure of Trustee Filling Vacancy.

Tenure of
office of
trustee
filling
vacancy

150. (1) The person elected to fill a vacancy shall hold office in the place of and for the unexpired term of office, if any, of the member who held office immediately before the vacancy occurred.

(2) Notwithstanding subsection (1), if the election to fill the vacancy is held at the annual election, and if at the time of that election the former trustee's term of office has expired or is due to expire before the next organization meeting of the board, the trustee elected to fill the vacancy shall hold office for the regular term.

Vacancies in Rural, Village and Consolidated Districts.

Election
of trustee
to fill
vacancy
in district
other than
town or city
district

151. (1) Where in a district, other than a town or city district, a vacancy occurs in the interval between the last day of November and the next annual meeting of the district, then, if the number of remaining trustees constitutes a quorum, an election to fill the vacancy shall be held at the annual meeting, but otherwise the election shall be held forthwith.

(2) In all other cases upon a vacancy occurring in the board of a district, other than a town or city district, the trustees remaining in office shall call forthwith a special meeting of the electors of the district in respect of which the vacancy exists, and the election shall be held in the manner prescribed for the conduct of the annual election of trustees.

Election of
trustee to
fill vacancy
in consoli-
dated school
district

152. In a consolidated school district, the meeting shall be held at such place as the board may determine.

Vacancies in Town and City Districts.

Election of
trustee to
fill vacancy
in town and
city districts

153. In a town or city district the election of a trustee to fill a vacancy shall be held in the same manner as is provided for the annual election of trustees in that district.

Vacancies in School Divisions.

Election of
trustee to
fill vacancy
in school
division

154. (1) If a vacancy occurs in the membership of the board of a division, prior to the first day of September, an election shall be held to fill the vacancy as nearly as may be in the manner provided for annual elections.

(2) If a vacancy occurs in the membership of the board on or after the first day of September, the vacancy shall not be filled until the next annual election of trustees when an election shall be held in the subdivision in respect of which the vacancy occurred.

(3) 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.

Vacancy in
chairman-
ship or
vice-chair-
manship

(4) 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.

155. When a division is resubdivided under the provisions of section 28, subsection (1), clause (e),—

Constitution
of board
when divi-
sion is re-
subdivided

- (a) each member of the board who held office immediately prior to the re-subdivision shall continue until the expiration of his term of office to represent the new subdivision within which is included the district in which he resides except as provided in clause (c);
- (b) in each new subdivision where there is no continuing member of the board.—
 - (i) if the re-subdivision takes place prior to the first day of September, an election shall be held to elect a member to represent the subdivision in as nearly as may be the manner provided for annual elections;
 - (ii) if the re-subdivision takes place on or after the first day of September and before the date of the meeting of the board held for the purpose of fixing the dates for holding the annual subdivisional meetings, nominations shall be received at the next annual meeting in each of these new subdivisions, and any necessary election shall be held at the annual general election thereafter;
- (c) if two or more trustees who held office immediately prior to the re-subdivision reside in the same new subdivision their terms of office shall be deemed to have expired as of the date of the re-subdivision, and an election shall be held in that subdivision;
- (d) unless the new members were elected at an annual general election, the board shall hold a meeting for reorganization within twenty days after all necessary elections have been held and at this meeting shall elect a chairman and a vice-chairman;
- (e) the Minister shall by order fix the term of office of each trustee whose election is required by the provisions of clauses (b) and (c).

Powers of Minister.

Powers of
Minister
when de-
fault in
electing
trustee

156. If default is made in electing a trustee of a district or division or in making the appointment of an officer which a board is required to make by this Act, the Minister, by order, may appoint a person as trustee, or officer, as the case may be, and the person appointed shall hold office for the same term and subject to the same conditions as if he had been duly elected or appointed pursuant to the provisions of this Act.

Ministerial
order gov-
erning
elections

157. The Minister, by order, may give directions governing procedure in regard to the conduct of elections in districts and in divisions where the express provisions of this Act in his opinion are insufficient or inapplicable.

Deferred
poll for
election
of trustees

158. (1) The Minister, by order, may provide that, until further order, whenever it is necessary to take a poll of the electors of a district for the purpose of electing trustees, the poll shall be taken on such day and at such time and place, and shall remain open for such period as may be designated in the order.

(2) The chairman of the board, or an elector appointed for that purpose by the board, shall preside over the taking of the poll, and the secretary of the board, or a person appointed by the board, shall be secretary at the poll.

PART V.
MEETINGS OF THE BOARD.**Organization Meetings in Districts.**

First
meeting of
district
board

159. (1) Upon the establishment of a district and the election of trustees, the Minister may direct the trustee elected for the longest term at the first meeting of electors, to call an organization meeting of the board.

(2) Within ten days after the receipt of the Minister's direction the trustee shall call a meeting of the board for the purpose of choosing one of its members as chairman and appointing a secretary, treasurer, or secretary-treasurer, and transacting any other business which may be necessary.

Organization
meeting in
town or city
district

160. In town and city districts the board shall hold an organization meeting within ten days of the date of the annual municipal election, and in all other districts within ten days of the annual election of trustees and such meeting shall be called by the secretary, or if there is none, then by the member of the board first elected.

161. (1) At the organization meeting in a district the board,— Election of chairman

- (a) shall elect a chairman who shall hold office during the pleasure of the board; and
- (b) may transact any other business.

(2) The chairman of the board shall not be the secretary, treasurer, or secretary-treasurer of the board.

Organization Meetings in Divisions.

162. (1) The board of a division shall hold an organization meeting on the day fixed for that purpose in the order constituting the division, and in every subsequent year thereafter on or before the tenth day of February. Date of organization meeting in division

(2) At the organization meeting the board,—

- (a) shall elect a chairman and a vice-chairman who shall hold office during the pleasure of the board; and
- (b) may transact any other business.

Election of chairman and vice-chairman

Times and Notices of Meetings.

163. If a board at a meeting attended by all the members thereof by resolution appoints certain days, times and places for the holding of regular meetings of the board, it shall not be necessary to send any notice of any meeting held in accordance therewith to any member of the board. When notice of regular meeting not necessary

164. (1) The chairman or an inspector or superintendent or a trustee, at any time, may call a meeting of the board of a district. Calling of meeting of district board

(2) A meeting of the board of a town or city district may be called by giving written notice thereof to each trustee in one of the following ways, namely,— Notice of town or city district board meeting

- (a) by personal service of the notice on each trustee at least forty-eight hours prior to the hour fixed for the meeting; or
- (b) by mailing the notice, duly addressed to each trustee at his residence or place of business, at least forty-eight hours prior to the hour fixed for the meeting.

(3) In any other district, a meeting of the board may be called by giving two clear days' notice thereof in writing, which notice may be given by the delivery of the notice to each trustee in person or to any adult person at his residence or place of business. Notice of board meeting in other districts

165. (1) A meeting of the board of a division may be called by giving notice in writing to each trustee. Calling of board meeting in division

Notice of
board
meeting in
division

- (2) The notice may be given,—
- (a) by mailing it by prepaid mail addressed to the trustee; or
 - (b) by delivering the notice to him personally; or
 - (c) by leaving it at his residence;
- at least six clear days before the date fixed for the meeting.

Board
meeting at
call of
chairman

- (3) The board of a division shall meet at any time or place at the call of the chairman or of any three members of the board.

Special
provision
for calling
board
meeting

166. A board may hold a meeting at any time notwithstanding that the requirements as to notice of the meeting have not been complied with, if prior to the meeting a waiver of notice of the meeting is signed by all the members of the board.

Procedure at Meetings.

Validity of
proceedings
at board
meeting

167. (1) No act or proceeding of a board shall be valid or binding unless it is adopted at a meeting at which a quorum of the board is present.

Quorum of
board

(2) A majority of the full board shall constitute a quorum.

Procedure
where board
members
less than
quorum

(3) If the number of members of the board is reduced to less than a quorum, the remaining members shall not transact any business of the district or division other than that necessary to fill the vacancies.

Submission
of questions
to board

168. (1) All questions shall be submitted to the board on the motion of the chairman or of any other trustee, and no seconder shall be required.

Disposition
of questions
submitted
to board

- (2) At a meeting of the board,—
- (a) each question shall be decided by a majority of the votes; and
 - (b) the chairman shall have the right to vote; and
 - (c) in case of an equality of votes the question shall be decided in the negative.

Reading
of by-law

169. (1) Every by-law shall have three separate and distinct readings before it is finally passed.

(2) Not more than two readings of a by-law shall be given at any one meeting except by unanimous consent of the trustees present.

Absence of
chairman
from board
meeting

170. In the case of the absence of the chairman and the vice-chairman, if any, from a meeting of the board, the trustees shall elect one of their number to act as chairman of the meeting.

171. (1) Every meeting of the board shall be open and the board shall make reasonable provision for public accommodation. Board meetings to be open

(2) The chairman of a meeting of the board may order the exclusion or expulsion of any person whose conduct is or has been such as to interfere with the proceedings of the meeting. Exclusion from board meeting for misconduct

172. (1) The board may adopt rules of procedure not inconsistent with this Act governing the conduct of its meetings. Rules of procedure at board meetings

(2) The board, by resolution, may exclude from a meeting a trustee who violates or refuses to comply with any such rule.

PART VI.

POWERS AND DUTIES OF BOARDS OF TRUSTEES AND THEIR OFFICERS.

Powers and Duties of Non-Divisional Districts and Divisions.

Relating to Administration.

173. (1) The board of a non-divisional district or of a division shall administer the district or division. Board shall administer district or division

(2) For that purpose the board shall,—

(a) appoint a secretary and a treasurer, or a secretary-treasurer, and such other officers and servants as may be required, and fix their remuneration; Divisional or non-divisional district board shall,—
appoint secretary treasurer

(b) procure a corporate seal for the district or division; procure seal

(c) provide the officers of the board with the books necessary for keeping proper records of the district or division. provide record books

(3) A teacher employed by a district may be appointed as the secretary, but shall not be appointed as the treasurer, or secretary-treasurer of the district. Teacher as secretary

(4) The officers and servants appointed under subsection (2) shall each hold office during the pleasure of the board.

(5) In the case of a division the appointment of the secretary-treasurer shall be subject to the approval of the Minister.

- Payment to trustee of divisional or non-divisional district board
- 174.** (1) The board of a non-divisional district or of a division may provide by resolution or by-law for payment to each trustee for attendance at any regular or special meeting of the board, or at any meeting of any standing or special committee, when such meeting is approved by the board.
- Amount of payments to trustees in rural, village, consolidated or town district
- (2) In the case of a rural, village, consolidated or town district,—
- (a) the amount of the payment shall not exceed three dollars;
- (b) the by-law or resolution providing for the payment shall be approved at an annual meeting of the electors before coming into effect.
- Amount of payment to trustee in city district
- (3) In the case of a city district the amount of the payment shall not exceed five dollars.
- (4) In the case of a division,—
- (a) the amount of the payment shall not exceed eight dollars per day for each meeting, together with an allowance of not more than ten cents per mile for every mile necessarily travelled in coming to and returning from meetings of the board;
- (b) the number of board meetings in respect of which a trustee may be paid shall not exceed twelve regular meetings and two special meetings in any one year.
- Amount of payment to trustee in division
- 175.** The board of a non-divisional district or of a division may,—
- (a) pay the expenses of a trustee or of an officer or employee of the board incurred in attending a convention of school trustees or any other educational convention or conference, or in carrying out business of the board authorized by a resolution of the board and requiring absence from his place of residence;
- (b) subject to the provisions of *The Co-operative Associations Act, 1946*, 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 district or division and enter into contracts and agreements relative to co-operative purchasing with the co-operative association;
- (c) effect and keep in force a policy or policies indemnifying the board and its employees, when acting on behalf of the board, against liability in respect of any claim for damages or personal injury;
- (d) invest surplus funds and reserves in any security in which trust funds may be invested under the provisions of *The Trustee Act*;
- Board may,—
- pay trustee when absent from residence
- participate in co-operative purchasing
- have liability insurance
- invest surplus funds

- (e) provide for the disseminating of information relative to the meetings of the board and the business of the district or division among the electors by means of circulars or by publication in one or more newspapers having general circulation within the district or division.

disseminate
information

176. (1) The board of a non-divisional district or of a division may appoint standing or special committees consisting of one or more trustees and may delegate to any such committee,—

Appointment
of standing
or special
committees

- (a) any matter for consideration, inquiry, management or regulation; and
- (b) any of the duties and powers imposed and conferred by this Act upon the board except the powers,—
- (i) to borrow money;
 - (ii) to pass a by-law; or
 - (iii) to enter into or terminate a contract.

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

Relating to Instruction.

177. The board of a non-divisional district or of a division shall,—

Duties of
board of
division
or non-
divisional
district
relating to
instruction

- (a) select and provide from the list authorized by the Minister all reference books for the use of the pupils and teachers and all globes, maps, charts and other apparatus approved by the inspector that are required for the proper instruction of pupils;
- (b) require that no text books or apparatus be used in the schools under its control other than those authorized by the Department or acceptable to it;
- (c) provide adequate instructional facilities for pupils who have attained the full age of six years by the first day of September of any school year and determine under what conditions pupils who at that date have not attained the full age of six years may be admitted;
- (d) provide at what time or times during the school year beginning pupils may enter Grade I.

178. (1) The board of a non-divisional district or of a division may,—

Permissive
powers of
board of
division
or non-
divisional
district
relating to
instruction

- (a) decide what school any pupil living in the district or division shall attend;
- (b) subject to the approval of the Minister, enter into an agreement with any other board or boards for the instruction of pupils in any grade and in any

course approved by the Department, upon such terms, including the fees payable by the board, as may be mutually fixed;

- (c) furnish the pupils with text books, exercise books, pens, pencils and other supplies, either free of charge or at a price to be fixed by the board;
- (d) supply the children of indigent residents with text books and other supplies at the expense of the board;
- (e) provide a suitable library and make regulations for its management;
- (f) provide pupils with correspondence tuition furnished through the Department; and
 - (i) pay the fees chargeable therefor; and
 - (ii) appoint and pay a suitable person to supervise and assist any group of pupils receiving such tuition in the performance of their work.

Termination
of agree-
ments for
instruction

(2) An agreement made under the provisions of clause (b) of subsection (1) may be terminated by either party giving notice to the other on or before the fifteenth day of May in any year, and upon notice being given, the agreement shall cease and determine on the last day of the month of June following, unless the Minister otherwise orders.

Establish-
ment of
college

(3) The board of a non-divisional district or of a division, upon obtaining the consent in writing of the Board of Governors of the University of Alberta and the approval of the Minister of Education, may,—

- (a) establish a college in affiliation with the University of Alberta in which may be taught subjects of university level not higher than that commonly accepted for credit for the first two years of an Arts course or other subjects of a general or vocational nature beyond the level of the high school; and
- (b) maintain and administer the college.

Relating to School Management and Discipline.

Duties of
board of
division
or non-
divisional
district
relating to
school
manage-
ment and
discipline

179. The board of a non-divisional district or a division shall,—

- (a) make regulations for the management of the school and communicate them in writing to the principal or teacher;
- (b) see that the school is conducted according to the provisions of this Act and the regulations made pursuant thereto;
- (c) suspend or expel from school any pupil who, upon investigation by the board, is found to be guilty of open opposition to authority, wilful disobedience, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school;
- (d) provide for the settlement or adjudication of all disputes arising in relation to school matters between any parent or child and a teacher.

- 180.** The board of a non-divisional district or of a division may,—
- (a) require the parent or guardian of a pupil to replace or pay for school property destroyed, broken or damaged by the pupil;
 - (b) suspend the pupil until the loss or damage is replaced or paid for;
 - (c) make regulations concerning the management of and discipline in a dormitory operated by the board.

Permissive powers of board of division or non-divisional district relating to school management and discipline

Miscellaneous Powers and Duties.

- 181.** The board of a non-divisional district or of a division shall,—
- (a) allow students enrolled in the Faculty of Education of the University of Alberta, or their instructors, to attend any classroom of any school under its jurisdiction while it is in session for the purpose of observation or practice teaching;
 - (b) provide wholesome drinking water for the use of the children during school hours;
 - (c) perform any other duties required by this or any other Act or the regulations of the Department.
- 182.** The board of a non-divisional district or of a division may,—
- (a) employ such physicians, dentists and nurses as may be deemed requisite to care for the health of the pupils and to advise parents and the board with respect thereto;
 - (b) make any expenditures that it may deem necessary to safeguard the health of the pupils;
 - (c) furnish the pupils with luncheon at the noon hour, either free of charge or at a price to be fixed by the board;
 - (d) exclude from attendance at school any pupil who, in the judgment of the inspector or superintendent of schools, is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher, or whose presence is detrimental to the education and welfare of the other pupils in attendance at the school, subject, however, to the right of an appeal by the parent or guardian of the pupil to the Chief Superintendent of Schools whose decision shall be final;
 - (e) make a cash contribution towards any school fair or festival approved by the Minister;
 - (f) provide scholarships or bursaries for pupils of the district or division, subject to the approval of the Minister; and
 - (g) provide assistance by way of bursary or loans to students undergoing teacher training courses, subject to the approval of the Minister.

Board of division or non-divisional district shall,—
permit practice teaching

provide drinking water

perform other duties

Board of division or non-divisional district may,—
employ physicians, dentists and nurses
make expenditures to safeguard health
furnish luncheon

exclude mentally deficient pupils from school subject to appeal to Chief Superintendent

contribute to fair or festival

provide scholarships

provide assistance with teacher training courses

**Additional Powers and Duties of Town and City
Districts and Divisions.**

Board of
non-divi-
sional town
or city
district
or division
may,—
provide
free medical,
dental and
surgical
treatment

183. The board of every non-divisional town and city district or of a division may,—

- (a) provide free medical, dental and surgical treatment,—
- (i) for such pupils or classes of pupils as it may determine; and
 - (ii) for children of pre-school age, at the request of the council of a municipality and at the expense of the municipality;

and for that purpose may enter into any agreement with a local board of health which that board is authorized to enter into by section 23 of *The Public Health Act*;

make
provision
for super-
annuation
schemes or
sick pay
allowances

- (b) make provision by by-law for, and contribute to, superannuation schemes and sick pay allowances for employees of the board, other than teachers.

Additional Powers and Duties of City Districts.

Medical
inspection
in city
district

184. (1) The board of a city district shall employ at least one physician, who shall be a member of the College of Physicians and Surgeons of the Province of Alberta, to inspect or supervise the inspection of pupils of each school in the district at least once during each school term, under such regulations as may be made by the Department.

(2) Notwithstanding subsection (1) in lieu of employing a physician, the board may make arrangements with the local board of health to supply this service.

Continua-
tion of
superannua-
tion for
teachers in
city
district

185. The board of a city district may,—

- (a) continue to pay any teacher who retired from service with the board prior to the first day of April, 1948, such pension or retirement allowance as the board may have undertaken to pay under any scheme, arrangement or agreement applicable to such teacher;
- (b) make provision by by-law for effecting and maintaining group insurance including life, sickness and accident coverage applicable to and for the benefit of teachers and other employees employed by the board and contribute an amount not exceeding fifty per cent of the premiums for each group;
- (c) pay to the chairman of the board such annual sum for his duties as may be fixed by the board.

Payment to
chairman in
city district

Additional Powers and Duties of Divisions.

Divisional
board
shall,—
supervise
and control
schools

186. The board of a division shall,—

- (a) exercise a general supervision and control over the schools of the division;

- (b) consult the superintendent concerning the educational problems and needs of the division and consider any recommendations which the superintendent may make with regard thereto; consult with superintendent on educational problems
- (c) make provision, where it is deemed necessary, for the attendance of pupils at schools outside of the district in which their parents or guardians reside, in accordance with the provisions of section 307; provide for attendance of pupils outside district of residence
- (d) appoint by resolution a trustee to attend meetings of the council of each municipality to which the board submits a requisition for twenty per cent or more of the total requisition of the division; appoint trustee to attend meetings of municipal council
- (e) pay the expenses of any trustee incurred in attending meetings of a council as representative of the board to a sum not exceeding eight dollars per day for each meeting, and not exceeding ten cents for every mile necessarily travelled in coming to and returning from such meetings; pay expenses of trustee attending council meeting
- (f) permit the attendance at board meetings of a member of a municipal council appointed as a representative of any municipality to which the board submits requisitions; permit municipal representative to attend meeting
- (g) permit any municipal representative so appointed to take part in discussions of the board on matters which affect municipal administration but shall not permit him to vote or pay him any remuneration. permit municipal representative to enter discussions concerning municipal matters
- 187.** Each trustee shall visit from time to time the districts of the subdivision which he represents and shall report to the board with respect to the property of the board situated therein. Property report of trustee
- 188.** The board of a division may,— Divisional board may,—
- (a) contribute towards the cost of operation of any full-time public health district; contribute to cost of operation of public health district
- (b) appoint by resolution a trustee to attend meetings of the council of any municipality to which the board submits a requisition for less than twenty per cent of the total requisition of the division; appoint trustee to attend municipal council meeting
- (c) provide for the holding of an annual convention of an association of the trustees of the districts included in the division and pay the expenses of the delegates incurred in attending the convention, to a maximum of ten dollars for any one district; provide for annual convention of trustees
- (d) pay the expenses resulting from attendance at the annual convention of the Alberta School Trustees' Association of not more than two trustees appointed by the association referred to in clause (c) or of not more than three trustees so appointed if one is a resident of a town district; pay expenses of district trustees attending annual convention

pay honorarium to secretary-treasurer of district

- (e) pay to the secretary-treasurer of each district included in the division an honorarium as follows,—
- (i) to the secretary-treasurer of a rural district, ten dollars per year;
 - (ii) to the secretary-treasurer of a village district or of a consolidated district, fifteen dollars per year; and
 - (iii) to the secretary-treasurer of a town or city district or of a district whose board under the provisions of section 84 represents more than one district, twenty-five dollars per year;

make advance to district secretary-treasurer for stationery, etc.

- (f) furnish the secretary-treasurer of each district included in the division with stationery and postage stamps and for that purpose make an accountable advance to the secretary-treasurer of an amount not in excess of ten dollars;

call special meeting of electors

- (g) call a special meeting of the electors of any district or districts within the division on the request of the Minister or superintendent, or upon its own initiative.

Allowance to divisional board trustee limited

189. (1) The board of a division may provide by resolution that there shall be paid to each trustee an allowance, not exceeding eight dollars per day for each day spent in administrative and supervisory work performed for the board within the division.

(2) The payments under any such resolution shall not be made,—

- (a) in case of the chairman for more than fifteen days in any year;
- (b) in the case of any other trustee for more than ten days in any year;
- (c) for work not authorized in advance by the board, unless it is of an emergent nature and is subsequently approved by the board.

Powers of the Board of a Divisional District.

Powers of board of trustees of divisional district

Divisional district board of trustees,— shall elect chairman and appoint honorary secretary-treasurer shall manage property of district may make representations to superintendent re maintenance, etc., of buildings

190. (1) On the effective date of an order constituting a division or including a district in a division, the board of trustees of each district included in the division shall cease to have any of the powers, duties and functions conferred upon a board of trustees by this Act, other than those set out in this section.

(2) The board of a divisional district,—

- (a) shall elect a chairman and appoint an honorary secretary-treasurer;
- (b) shall care for and manage the property of the district subject to any regulations of the board of the division;
- (c) may make representations to the superintendent of the division as to the maintenance, repair and extension of the school and other buildings of the district and any furniture and equipment therein;

- (d) may raise money by voluntary subscription or by other voluntary means for the purpose of providing equipment approved by the superintendent which is not ordinarily provided by the board of the division; may obtain voluntary subscriptions for equipment
- (e) may, with the consent of the Minister, make arrangements, at the cost of the division, for the supply and maintenance of drinking water and of fuel for the school of the district, in the event that adequate provision as required by this Act is not made in respect thereto; may arrange for drinking water and fuel
- (f) may, where deemed necessary and with the consent of the Minister, provide at the cost of the division suitable toilet and sanitary accommodation; may provide suitable toilet and sanitary accommodation
- (g) shall co-operate with the teacher in the care, management and supervision of school property; shall co-operate with teacher in management of school property
- (h) shall effect any emergency repairs to school property which may be necessary subject to any regulations of the divisional board and at the cost of the division; shall effect emergency repairs
- (i) may make representations to the superintendent and to the divisional board as to the betterment or extension of the educational facilities for residents of the district; may make representations re betterment and extension of educational facilities
- (j) may nominate by resolution one or more persons for employment as teacher in the school of the district; may nominate teacher
- (k) shall meet at the call of any two trustees for the purpose of the consideration of any matter of educational concern to the district; shall meet at call of trustees
- (l) shall call annual and other meetings of the electors of the district whenever required to do so by law; shall call annual and other meetings
- (m) shall make provision for the holding of elections of trustees in accordance with the provisions of this Act; shall hold elections
- (n) shall perform such other duties as may be required by this or any other Act or the regulations of the Department; shall perform other duties
- (o) may request by resolution that religious instruction or a primary course in French be given in any school in the district under the provisions of sections 388 and 383. may request religious instruction or primary course in French
- (3) If the board of a divisional district fails to appoint an honorary secretary-treasurer, the divisional board may make this appointment. Appointment of district secretary by divisional board

Duties of Officers of Boards.

The Chairman.

191. The chairman of the board shall,—

- (a) exercise a general supervision over the affairs of the district or division;

Duties of chairman

- (b) approve all accounts against the district or division passed by the board before the accounts are paid by the treasurer unless in the case of a town or city district or division the board has passed a resolution authorizing a trustee or person other than the chairman to approve the accounts;
- (c) countersign all cheques of the district or division, unless the board has passed a resolution authorizing a trustee or officer other than the chairman to countersign the cheques.

The Secretary.

Duties of
secretary

192. (1) The secretary of the board of every non-divisional district and of every division shall,—

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose, and present the minutes, when confirmed, for signature by the chairman;
- (b) conduct the correspondence of the board as he may be directed by the board;
- (c) take charge of and keep on record all the books, papers, accounts, plans and maps committed to his charge by the board during his term of office, and deliver the same to the chairman on ceasing to hold office;
- (d) prepare faithfully and transmit to the Department such reports and statements and such other information in regard to the district or division as may from time to time be required by the Minister, in such form as may be prescribed by the Minister;
- (e) call a meeting of the board when required to do so by any provision of this Act;
- (f) produce the minute book and all papers and other records of the board for inspection when required to do so by an inspector or superintendent or other competent authority;
- (g) prepare the statement of the trustees to be submitted at the annual meeting of the electors and ratepayers;
- (h) give the notice required by this Act of each annual meeting of the electors and ratepayers;
- (i) call special meetings of the electors and ratepayers as provided by this Act;
- (j) do any other acts and things which the secretary of the board is required to do by this or any other Act.

Additional
duties of
secretary of
division

(2) In addition to the duties enumerated in subsection (1), the secretary of a division shall,—

- (a) comply with any lawful directions which may be given by the board either directly or through the superintendent as to the execution of his duties;
- (b) advise trustees appointed to attend the meetings of the council of any municipality of the date, place

- and time of each such meeting and of the matters to be dealt with at the meeting;
- (c) advise the secretary-treasurer of each municipality of the name of the trustee appointed to represent the divisional board at meetings of the council of that municipality;
 - (d) advise the secretary-treasurer of each municipality to which the board submits requisitions, and the member of the council of that municipality appointed to represent it at board meetings of each meeting of the board and of the matters to be dealt with at that meeting;
 - (e) forward to the secretary-treasurer of the council of each municipality to which the board submits requisitions a copy of the minutes of meetings of the board in so far as the minutes refer to matters of interest to the council.

The Treasurer.

193. (1) The treasurer of the board of every non-divisional district and of every division shall,—

Duties of
treasurer

- (a) receive all moneys payable to the district or division and disburse such moneys in the manner directed by the board;
- (b) pay all accounts payable by the district or division after they have been approved in the manner mentioned in section 191;
- (c) deposit daily or as often as the board may direct, in a treasury branch, chartered bank or other similar institution designated by the board all moneys received by him;
- (d) make all payments on behalf of the district or division 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 or division are deposited;
- (e) keep in the books of record provided for the purpose a complete and detailed record of all moneys received and disbursed for school purposes, including government grants whether paid directly to the board or not;
- (f) give and take receipts for all moneys received and paid out, and keep on file all vouchers of expenditure;
- (g) close and balance the books of the district or division on the thirty-first day of December in each year;
- (h) produce when called for by a trustee, auditor, school inspector or other competent authority all books, vouchers, tax rolls, papers, and money committed to his charge by the board during his term

of office and surrender the same to the board or to any person named by the board upon his ceasing to hold office;

- (i) prepare the statements of the finances of the district or division required to be submitted to the annual meeting of the electors and ratepayers;
- (j) prepare faithfully and transmit to the Department such reports and statements with reference to the finances of the district or division as may from time to time be required by the Minister and in such form as may be prescribed by the Minister;
- (k) do any other acts and things which the treasurer of the board is required to do by this or any other Act.

Establishment of payroll account

(2) Notwithstanding the provisions of clause (d), 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 clause (d) and any cheque drawn on this account, shall, if signed by the treasurer, be deemed to be a payment approved in compliance with section 191.

Bonding of Treasurer.

Treasurer to furnish bond

194. (1) Subject to the provisions of section 195 the treasurer of every non-divisional district and of every division, upon his appointment and before entering upon the duties of his office, shall be bonded by a guarantee company, to be named by the Minister, to secure the due accounting by him for all school moneys and property that come to his hands as treasurer, which bond shall be in such form and for such amount as may be approved by the Minister.

Payment of premiums on bond of treasurer of district or division
Refusal to bond treasurer of district or division

(2) The Minister shall pay the premiums for the bond and deduct the amount thereof annually from the legislative grant to each district or division, as the case may be.

(3) Whenever a guarantee company declines for any cause to give a bond in respect of any treasurer of a district or division,—

- (a) the trustees shall forthwith appoint another treasurer who can be bonded; and
- (b) the retiring treasurer shall have no right to receive any salary beyond the proportionate part of his salary up to the time of his retirement.

Deposit of bond of treasurer of district or division

(4) Every bond shall be deposited and kept in the Department for the benefit of the district or division as the case may be.

Bonding of treasurer and assistant treasurer in non-divisional town or city district

195. The board of any non-divisional town or city district, with the approval of the Minister, may make arrangements for the bonding of its treasurer and assistant treasurer, if any, for such amount as the board deems sufficient to cover any loss through default of the treasurer or

assistant treasurer, and the provisions of section 194 shall not apply to any district in which the board makes such arrangements.

Contracts With Employees Prohibited.

196. (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, alone or jointly with another, shall enter into a 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 a pecuniary interest.

Certain contracts for secretary treasurer or other employee prohibited

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

197. Nothing in section 196 shall prevent a secretary-treasurer or other employee,—

Certain contracts permissible

- (a) from entering into a contract with the board or with a 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;
- (b) from receiving payment for such services or goods and merchandise at the current price to an amount not in excess of one hundred and fifty dollars in any one year.

Superintendent of Division.

198. Upon the constitution of a division the Minister shall appoint a superintendent for the division.

Appointment of divisional superintendent

199. The superintendent shall,—

Duties of superintendent

- (a) confer with the board of the division and advise the board concerning the educational problems and needs of the division;
- (b) attend all meetings of the board, and exercise, subject to the direction of the board, general supervision over all schools, teachers, property and services under the jurisdiction of the board;
- (c) assist the board in the discharge of its duties;
- (d) exercise the powers of an inspector of schools with respect to the total area to which he is assigned by the Minister;
- (e) confer with and advise the board of any non-divisional district in that area which has not appointed a superintendent concerning the educational problems and needs of the district.

Superintendent of District.

200. The board of a district employing more than twenty teachers may appoint a superintendent of schools subject to the approval of the Minister.

Appointment of district superintendent

Returns and Audits.

Returns by
division
and non-
divisional
district

201. The board of every non-divisional district and of every division shall have prepared by its proper officers and transmitted to the Department, in such form as the Minister may prescribe, the periodic returns respecting attendance and classification of pupils and the finances of the district or division.

Returns by
educational
institutions
other than
schools

202. Every college, school, or other educational institution not being a school as defined by this Act shall within thirty days from the thirtieth day of June of each year furnish to the Department in such form as the Minister may prescribe a yearly return giving information with respect to the pupils, teachers, curriculum and equipment of the college, school or educational institution.

Audit of
books and
accounts of
division
and non-
divisional
rural,
village and
consolidated
districts

203. (1) The books and accounts of every non-divisional rural, village and consolidated district and of every division shall be audited on or before the thirty-first day of January in each year in the manner prescribed by the Minister by an auditor appointed by the board.

(2) The auditor shall be a chartered accountant or an experienced auditor approved by the Minister.

Audit of
town or
city district

(3) In every non-divisional town or city district the town or city auditor shall audit the books and accounts of the district in each year, for which he shall receive no special remuneration out of the funds of the district.

(4) Notwithstanding subsection (3), if the auditor is a member or employee of the board, the board shall engage another auditor, whose appointment shall be subject to the Minister's approval.

Audit of
books and
accounts
of district
or division
to cover 12
months'
period

204. The yearly audit of the books and accounts of any district or division shall cover the period of twelve months ending the thirty-first day of December.

Auditor's
report of
district or
division

205. (1) The auditor shall audit and report upon all books and accounts affecting the district or division or relating to any matter under its control or within its jurisdiction.

(2) After the examination of every account, voucher, receipt and paid debenture, the auditor shall stamp or write thereon in indelible letters the word "Audited" and initial the same.

(3) He shall verify the cash balance as shown by the secretary-treasurer's books by counting the cash.

(4) In no case shall he certify to the correctness of the books until he has checked the deposits entered in the cash book with the deposits shown in the bank book.

206. (1) In every case in which it appears to the auditor,—

- (a) that an expenditure has been made contrary to law, by-law or resolution; or
- (b) that there has been an irregularity on the part of the board or an officer of the board in dealing with money or property of the district or division;

the auditor shall write a special report respecting the same and shall deliver that report to the chairman of the board.

(2) The chairman shall lay the report before the board at its next meeting.

(3) The auditor shall include a copy of the report in the annual statement made by him pursuant to section 207.

Special auditor's report of district or division

207. (1) As soon as possible after the completion of the yearly audit the auditor shall prepare in such form as the Minister may direct a statement for the financial year.

(2) In making the statement the auditor shall make special mention of money wrongfully received or expended.

(3) The auditor shall make the statement and report in triplicate and shall forward two copies thereof to the Minister and deliver the other to the secretary-treasurer of the district or division.

Statement for financial year of district or division

208. (1) The board of a division shall make provision for the publication and distribution of the auditor's statement throughout the division.

(2) The secretary of a division or of a non-divisional district shall permit any elector thereof to examine the auditor's report at his office.

Publication and distribution of auditor's statement of division

209. The board of any district or division, when so directed by the Minister, shall have a special audit made of its books and accounts and, in the case of a division, of the books and accounts of any district included in the division, and the costs of any such special audit shall be paid by the district or division directed to make the audit.

Special audit in district or division

210. Unless it is ordered by the Minister to the contrary, the fees payable in respect of any audit shall not exceed,—

- (a) in any rural district, the sum of ten dollars;
- (b) in any village district or consolidated district, the sum of twenty dollars;
- (c) in any division, the sum of one hundred and twenty-five dollars.

Fees for audit—

in rural district
in village or consolidated district
in division

PART VII.

SCHOOL SITES, BUILDINGS AND OTHER PROPERTY.

General Powers of Boards.

Powers of
division
and non-
divisional
district
boards re
property

211. The board of a non-divisional district or of a division,—

- (a) shall take possession and have the custody and safekeeping of the property of the district or division;
- (b) may dispose of any property real or personal belonging to the district or division with the approval of the Minister.

Acquisition of Sites.

Acquisition
of school
sites in
non-divisional
district
other than
town or city
district

212. (1) In a non-divisional district other than a town or city district, the board may acquire a site for a school building at such point as may be approved or selected by the Minister, and may from time to time acquire such other or additional sites or additions to previously acquired sites as may be approved by the Minister.

Acquisition
of school
site in
division

(2) In a division, the board may acquire a site for a school building at such point either within or without the division as may be approved or selected by the Minister.

When
Minister's
approval not
required

(3) Notwithstanding subsection (2), the approval of the Minister is not required for the acquisition of a site in a divisional town district if the divisional and district boards agree with respect to the location of the site.

Acquisition
of school
site in non-
divisional
town or city
district

213. In a non-divisional town or city district the board may select and acquire such sites for school buildings as it may deem desirable and may select and acquire additions to existing sites.

Acquisition
of lands by
division
or non-
divisional
district for
sewage, etc.

214. The board of a non-divisional district or of a division, with the consent of the Minister, may acquire lands or easements extending beyond the boundaries of the site of a school building for sewage, water, gas or electric power lines to or from such building.

Contract
to acquire
land by
division
or district

215. (1) A contract or agreement for the acquisition of land by a board shall be void if the purchase price thereof is to be raised by debenture, unless the debenture issue is authorized by the Board of Public Utility Commissioners.

(2) A contract or agreement for the acquisition of land by the board of a division or of a district other than a town or city district shall be void unless the site has been approved by the Minister, except when ministerial approval is not required under subsection (3) of section 212.

(3) Any moneys paid under a contract that is void pursuant to subsections (1) or (2) shall be repaid forthwith to the board.

Powers of Compulsory Acquisition.

216. If a board is unable to acquire a site for a school building, or an addition to an existing site,—

Application to Minister to transfer school site

- (a) which has been selected by the board of a town or city district pursuant to section 213; or
 - (b) which has been selected by a district other than a town or city district or by a division and approved, if necessary, pursuant to section 212; or
 - (c) which is required for any sewage, water, gas, or electric power line pursuant to section 214;
- the board may apply to the Minister for a transfer of the site to the board.

(2) Upon receipt of the application accompanied by a statutory declaration made by an officer of the board stating that,—

Execution of transfer by Minister

- (a) the owner of the site, or the addition, or a person having an interest therein, and the board are unable to agree upon the price to be paid for it; or
- (b) the whereabouts of the owner cannot be ascertained after reasonable inquiry; or
- (c) a person having an interest therein has refused or failed to execute a transfer, discharge, release or other assurance necessary to vest the title to the site in the board;

the Minister may execute a transfer of the site or the addition to the board.

217. The Registrar of Land Titles for the proper Land Registration District shall register a transfer by the Minister made pursuant to section 216 and shall issue a certificate of title in the name of the board in respect of the land expressed to be transferred, and thereupon the land shall vest in the board for an estate in fee simple in possession free from all incumbrances except only for rates and taxes.

Title to school site vests in board upon registration of transfer

218. (1) The board shall pay to the owner of the land so transferred, and to all other persons interested therein, compensation based on the fair actual value of the land.

Compensation for land taken for school site

(2) All questions as to the amount of compensation, the manner of payment, the persons to whom it shall be paid and the distribution thereof amongst the persons, if more than one are entitled thereto, shall be submitted to the arbitration of two arbitrators.

(3) One arbitrator shall be appointed by the board of the district or division and the other by the owner or other persons having an interest in the said land.

Appointment of arbitrators to determine compensation for lands taken

(4) The provisions of *The Arbitration Act* shall apply to the arbitration.

Application of *The Arbitration Act*

219. (1) The Minister may make an order authorizing a board to enter upon and take possession of a site or an addition to a site.

Order of possession

(2) Upon the making of the order the board shall be entitled to the possession of the site for school purposes, as against all persons whatsoever except the Crown.

Effect of
order of
possession

(3) Every such order shall have the same force and effect and be enforced by the same persons and in the same way as a writ of possession issued out of the Supreme Court of Alberta.

Payment of
compensation
for lands
taken
Arbitration
of compen-
sation

220. (1) The board shall pay compensation to any person dispossessed of land pursuant to section 219.

(2) All questions as to the amount thereof, the persons entitled thereto and, if there be more than one such person, the distribution thereof, shall be submitted to the arbitration of two arbitrators.

Appoint-
ment of ar-
bitrators

(3) One arbitrator shall be appointed by the board and the other by the person or persons dispossessed.

Application
of *Arbitra-
tion Act*

(4) The provisions of *The Arbitration Act* shall apply to the arbitration.

Filing of
caveat

221. Before a board takes possession of land to which it has not acquired title, the secretary shall file in the Land Titles Office for the Land Registration District in which the land is situated a caveat in accordance with the provisions of *The Land Titles Act*.

Powers of Board Respecting School Buildings.

Duties of
divisional
and non-
divisional
board as
to school
buildings

222. The board of a non-divisional district or of a division shall,—

- (a) provide adequate school accommodation for the purposes of the district or division;
- (b) build, repair, furnish and keep in order the school house or houses, furniture, fences and all other school property;
- (c) keep the well, closets and premises generally in a proper and sanitary condition;
- (d) make due provision for properly lighting, heating, ventilating and cleaning the school room or rooms under its control;
- (e) provide suitable toilet and sanitary accommodation in the school building, or buildings, or in the alternative, separate buildings for privies for boys and girls which buildings shall be approved by the superintendent or inspector of schools;
- (f) insure and keep insured all school buildings and equipment.

Permissive
powers of
divisional
and non-
divisional
board as
to school
buildings

223. (1) The board of a non-divisional district or of a division may,—

- (a) cause any schoolhouse or other school building to be removed from any site to another site, subject to the approval of the Minister;

- (b) acquire or build a teacherage and repair and keep it in order and rent it to a teacher or to some other person if no teacher desires to rent it;
 - (c) acquire or build and keep in order suitable stabling accommodation;
 - (d) provide dormitory accommodation for the use of the pupils of the district or division subject to the approval of the Minister;
 - (e) enter into an agreement with any municipality or with any person, firm or corporation whereby sewage facilities or public utilities may be provided for any school building and the board may pay such sum or sums for the facilities or public utilities provided as may be agreed upon;
 - (f) acquire or build, furnish and equip offices for the use of the board and its officials or rent offices and furnish and equip them, but in any district other than a town or city district, the exercise of this power shall be subject to the Minister's approval.
- (2) In the case of a division the offices shall be located at such place, either within or without the division, as may be designated by the Minister.

Location of
divisional
offices

224. 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, the board of a non-divisional district or of a division may enter into an agreement with the council of a municipality or with the board of trustees of a non-divisional district or of a division for the construction, ownership, maintenance, operation and use of any building required for the purposes of the district or division.

Agreement
to construct,
operate and
use building
required by
district or
division

225. No school building shall be erected and no addition to or structural alteration of a school building shall be made except in accordance with plans and specifications approved by the Department.

Approval of
school
building
plans by
Department

226. Notwithstanding section 225, if a city district retains an architect in regular full-time employment and retains a permanent legal adviser, the district shall not be required to obtain the approval of plans, specifications, contracts or schemes as provided in this Part, 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.

Approval
not required
in certain
city districts

Erection of School Buildings by Contract.

227. (1) Except as hereinafter otherwise provided, the trustees of a district or division shall obtain tenders for the erection of any school building and it shall be built under contract and not by day labour.

Tenders for
erection of
school
building in
district or
division

Approval of
Minister
required

(2) No contract for the construction of a school building and no contract for the purchase of a building to be used for school purposes shall be entered into or signed by the trustees or any other person until submitted to and approved by the Minister.

(3) No action against the trustees under such contract shall be maintained or enforced for the price of a school building or materials supplied to construct it, and no claim in respect thereof shall be allowed by way of set-off or counterclaim, nor shall the contract have any legal validity whatever unless the contract is approved under subsection (2).

(4) All specialties, bills, notes or accounts stated, given, or made, in whole or in part, for or to secure any price or materials shall be void, unless the contract under which the same are given or made is approved under subsection (2).

Erection of School Buildings by Day Labour.

Erection of
school
building
by day
labour

228. (1) In a rural, village or consolidated school district, the trustees may submit to the Minister a scheme for the erection of a school building by day labour if the district proposes to defray the entire cost thereof out of the current revenues of the district.

(2) In a town or city district and in a division, the trustees may submit to the Minister a scheme for the erection of a school building by day labour.

(3) A scheme for construction by day labour submitted by a district or division shall set out in detail the manner in which it is proposed to provide the materials, supplies and labour required for the erection of the school building.

Approval of
Minister
required

(4) Upon the scheme being approved by the Minister and adopted by resolution of the board, the board may proceed to build the school building in accordance with the scheme so approved.

(5) Any contract or engagement made pursuant to and in conformity with the scheme shall be valid and binding upon all parties thereto, notwithstanding anything in this Part to the contrary.

Temporary School Buildings.

Temporary
school in
district or
division

229. Where in the opinion of the Minister it is advisable that a temporary school should be provided in a district or division he may authorize the board,—

- (a) to lease premises for such purpose and to make such repairs or alterations as may be necessary to fit the same for school purposes; or
- (b) to purchase a tent to be used as a school building, and for the purpose of this Act a tent so used shall be deemed to be a frame building.

PART VIII.

BORROWING POWERS.

Short Term Borrowing for Current Purposes.

230. The board of a non-divisional district or division, with the approval in writing of the Minister, may borrow to meet current expenditures.

Borrowing by non-divisional district or division for current expenditures

231. The board of a division or of a town or city district may borrow to meet current expenditures without the approval of the Minister if,—

Borrowing without approval of Minister in certain cases

- (a) the borrowings are repayable during the current year; and
- (b) the total amount of the borrowing outstanding at any one time does not exceed twenty-five per cent of the total requisition of the district or division for the preceding year.

Short Term Borrowing for Capital Purposes.

232. The board of a non-divisional district or division, with the approval in writing of the Minister, may borrow to meet capital expenditures, if the borrowing is repayable within five years.

Borrowing for capital expenditures

General Provisions Relating to Short Term Borrowing.

233. (1) The amount of any short term borrowing for current purposes or for capital purposes may be made a charge on any sums of money due or accruing or to accrue or become due or payable to the district or division during the year in which the borrowing is effected and during the years over which repayment is to be made under the terms of the borrowing, whether by way of taxes levied or to be levied or requisitions made or to be made, or in any other way.

Amount of short term borrowing charge on money payable to district or division

(2) The amount borrowed may be secured by the promissory note or notes of the chairman and treasurer given on behalf of the board, and by such form of assignment or covenant as may be fixed by resolution or by-law.

Security for borrowing

(3) As security for the sum borrowed the board may hypothecate any debenture or debentures which have been duly registered and countersigned as required by this Act.

(4) Any person, bank, treasury branch or corporation lending any sum to a district or division under sections 230, 231 and 232 shall not be bound to establish the necessity for borrowing the same, nor to see that it is expended for the purpose for which it is borrowed.

Lender not bound to establish necessity for borrowing

Debenture Borrowing.

234. (1) The board of a division or of a non-divisional district may borrow by debenture upon the security of the division or district for the purpose of,—

Purposes of debenture borrowing by district or division

- (a) securing, purchasing, adding to, extending, or improving a site for a school building; or
- (b) securing a water supply or constructing a sewage line; or
- (c) erecting, purchasing, adding to, extending, improving, repairing, moving, furnishing or equipping a school building; or
- (d) purchasing school buses.

Form of
debenture
by-law

(2) If the board decides that it is desirable to borrow by debenture for any of the purposes mentioned in subsection (1), it shall pass a by-law in the form prescribed by the Minister or to the like effect, under the corporate seal of the district or division.

(3) The secretary shall enter a copy of the by-law in the minute book containing a record of the board's proceedings.

Copy of
by-law to
Department

(4) A copy of the by-law, together with a statement of particulars setting forth the purposes for which the money is to be borrowed, shall be forwarded forthwith to the Department.

Expenditures Prohibited Unless Debentures Authorized.

Authoriza-
tion for
debenture
borrowing
by Board of
Public
Utility Com-
missioners
Voidance of
contract
made with-
out authori-
zation to
borrow

235. (1) No expenditure which the board proposes to finance by debenture borrowing shall be made until the borrowing has been authorized by the Board of Public Utility Commissioners.

(2) If the board of a district or division purports to enter into any contract or agreement, the consideration for which is to be raised by debenture, before the borrowing has been authorized by the Board of Public Utility Commissioners, the contract or agreement shall be void and any moneys paid under it shall be repaid to the board of the district or division.

(3) Any contract or agreement made by the board for the sale, transfer or hypothecation of a debenture or any interest therein, before it has been authorized to borrow the money represented by the debenture as hereinafter provided, shall be void.

Notice of Intention to Apply for Authority to Borrow by Debenture.

Notice of
intention
to apply for
authority
for debenture
borrowing

236. (1) Within five days after the passing of the by-law the board, subject to the provisions of section 237, shall give notice of its intention to apply to the Board of Public Utility Commissioners for authority to borrow the amount specified in the by-law on the conditions therein set forth.

(2) The notice shall be in the form prescribed by the Board of Public Utility Commissioners.

(3) The board shall give the notice,—

Method of
giving
notice,—
in rural,
village or
consolidated
district

- (a) in a rural, village, or consolidated district, by posting copies of the notice in at least six widely separated and conspicuous places in the district;

- (b) in a town or city district, by printing a copy of the notice in at least three issues of a newspaper or newspapers published within the limits of the district, and if there is no newspaper published within the district, then in a newspaper published in Alberta and circulating in the district; in town or city
- (c) in a division,— in division
- (i) by posting a copy of the notice in a conspicuous place near each post office that is within the division or within any town or village district adjacent to any of the districts of the division; and
- (ii) by printing the notice in at least two issues of each newspaper published within the division or in any town or village district adjacent to any district of the division, and if there be no such newspaper, then in any two daily newspapers published in Alberta having circulation within the division.

237. The notice mentioned in section 236 need not be given and a poll is not required in a division if the total of the amounts of the borrowings of the division,—

- (a) approved in that year by the Minister under section 232; and
- (b) authorized in that year by the Board of Public Utility Commissioners under section 259;

does not exceed sixty thousand dollars or one per cent of the total assessed value of the division, whichever is less.

Poll of Proprietary Electors.

238. (1) A poll of the proprietary electors for and against the by-law may be demanded within fifteen days after the date of the posting or of the last publication of the notice mentioned in section 236. Demand for poll of proprietary electors

(2) The demand for a poll shall be in writing and shall be signed,—

- (a) in a district other than a city district, by five per cent of the proprietary electors of the district;
- (b) in a city district, by one hundred proprietary electors;
- (c) in a division, by five proprietary electors of each of at least twenty per cent of the districts in the division.

(3) A demand for a poll shall be delivered to the secretary, or, in his absence, to the chairman of the board.

(4) The secretary shall transmit forthwith a certified copy of the demand to the Board of Public Utility Commissioners.

239. The persons entitled to vote at a poll on a debenture by-law are the proprietary electors of the district or division whose board has passed the by-law. Persons entitled to vote on debenture by-law

Approval of
debenture
by-law

240. Notwithstanding the provisions of any other Act, the by-law shall be deemed to be approved by the proprietary electors if it receives a majority vote of the proprietary electors voting thereon.

Conduct of Poll in Town or City Districts.

Submission
of debenture
by-law to
proprietary
electors in
town or city
district

241. (1) If a poll is demanded in a town or city district, the council of the town or city, on receipt of a notice from the secretary of the district that a poll has been demanded, as herein provided, shall submit the proposed by-law forthwith to the proprietary electors of the district, and all the provisions of *The Controverted Municipal Elections Act*, *The Town and Village Act, 1952*, or *The City Act*, as the case may be, governing the taking of a vote on a money by-law, including the procedure for a scrutiny or recount of the vote shall apply, in so far as they may be made applicable, to the vote on the by-law.

Authority
and juris-
diction of
council re
debenture
by-law in
town or city
district

(2) For the purpose of the submission of the by-law the council shall have the same authority and jurisdiction for taking the votes of the proprietary electors of the district in that portion of the district lying outside the limits of the city or town, as the case may be, as it has for taking the votes of the proprietary electors within those limits.

Notification
of result of
debenture
by-law vote
in town or
city district

(3) After the period provided in *The Town and Village Act, 1952*, or *The City Act* for a recount or scrutiny has elapsed, the town secretary or city clerk shall notify the board of the result of the vote.

Conduct of Poll in Other Districts and Divisions.

Submission
of debenture
by-law
other than in
town or city
districts

242. (1) If a poll is demanded in a division or district other than a town or city district the board shall pass a resolution providing for the holding of the poll.

- (2) The board by resolution shall,—
- (a) appoint a returning officer; and
 - (b) fix the day and hours for holding the poll; and
 - (c) designate the place or places where a poll shall be opened; and
 - (d) designate the place where the returning officer shall sum up the number of votes given for and against the by-law.

Places of
poll for
debenture
by-law

243. (1) A poll shall be held in each district in a division.

(2) Notwithstanding subsection (1), if there is no school in operation in a district the board may direct the electors of that district to cast their votes at the poll conducted in another district.

(3) The directions to the electors shall be given not later than the eighth day prior to the date set for holding the poll, by any of the methods set forth in clauses (a), (b) and (c) of subsection (5) of section 72, and by letter to the secretary of the district.

(4) A proprietary elector may cast his vote at any poll in the division other than that in his district or that at

which he has been directed to vote under subsection (2) if, before voting, he completes the declaration in the form prescribed by the Minister, that he is a proprietary elector of the division.

244. The board shall give notice of the poll,—

- (a) in a district by posting notices in the form prescribed by the Minister in at least six widely separated and conspicuous places throughout the district at least fourteen clear days before the polling;
- (b) in a division by posting notices throughout the division in the form prescribed by the Minister in each of the places mentioned in section 72, subsection (4) at least fourteen days before the polling and also by giving notice of the poll at the times and by one of the methods mentioned in section 72, subsection (5).

Notice of
poll for
debenture
by-law

245. (1) The returning officer shall appoint a deputy returning officer for each polling place and each deputy returning officer shall appoint a poll clerk who shall act as deputy returning officer in his absence.

Deputy
returning
officer and
poll clerk at
debenture
by-law poll

(2) The returning officer shall cause to be printed at the expense of the district or division a sufficient number of ballot papers in the form prescribed by the Minister for the purposes of the voting.

Ballot
papers for
debenture
by-law vote

(3) The persons promoting or opposing the passing of the by-law respectively may request the returning officer to appoint persons to represent their interests at the polling places and at the final summing up of the votes.

Representa-
tives of
promoters
and
opponents

(4) Thereupon the returning officer shall appoint by writing signed by him not more than one representative of the persons promoting the passing of the by-law, and not more than one representative of the persons opposing the passing of the by-law to attend at each polling place, and at the final summing up of the votes.

(5) The returning officer shall make available at each poll a ballot box, ballots, poll book, printed directions for the guidance of voters, and such other materials as may be required.

246. The printed directions for the guidance of voters,—

- (a) shall be in the form prescribed by the Minister;
- (b) shall be posted in a conspicuous place in each polling place.

Directions
for voters at
debenture
by-law poll

247. (1) The poll shall be held on the day and during the hours fixed as aforesaid and the voting shall be by secret ballot.

Time and
place of
polling

(2) The deputy returning officer shall place his initials on the back of each ballot before handing it to the voter.

Initialling
of ballot

(3) The poll clerk shall record the name of each voter in a poll book which shall be in the form prescribed by the Minister.

Poll book

(4) A proprietary elector shall be entitled to vote only once upon a by-law.

(5) A returning officer, deputy returning officer, or poll clerk may vote if he is a proprietary elector.

Persons
entitled to
remain in
polling place

248. (1) No persons other than the returning officer, the deputy returning officer, the poll clerk, and the persons appointed pursuant to section 245, shall be entitled or permitted to remain in a polling place.

Scrutineers

(2) If no persons have been appointed pursuant to section 245, any two proprietary electors approved by the deputy returning officer may remain in the polling place and may act as scrutineers.

Declaration
of elector
as to right
to vote on
debuture
by-law

249. (1) The deputy returning officer shall, if requested by any proprietary elector, or may of his own accord, require any person tendering a vote to subscribe to the declaration in the form prescribed by the Minister and any person subscribing to the declaration shall be permitted to vote.

(2) The declaration shall be subscribed in the presence of the returning officer or deputy returning officer and the poll clerk, who shall subscribe their names as witnesses thereof.

(3) Each declaration made under this section shall be retained by the returning officer.

(4) If a person who desires to vote refuses or fails to sign the declaration when required to do so, the poll clerk shall make a check mark in the column headed "Refused Declaration" in the poll book, and the person refusing shall at once leave the polling place and shall not be allowed to enter again or to vote.

Penalty for
false
declaration
at poll

250. A person subscribing to a declaration containing any false statement, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars and costs.

Counting
of ballots

251. (1) Upon the close of the poll the deputy returning officer in the presence of the poll clerk, if any, and of those persons authorized to attend who may be present shall count the ballots.

Examination
of ballot
papers

(2) The deputy returning officer shall examine all the ballot papers and every ballot paper,—

(a) which does not bear his initials on the reverse side;
or

(b) on which anything is written or marked by which the voter can be identified; or

(c) which has been torn, defaced or otherwise dealt with by the voter so that he could thereby be identified;

shall be void and shall not be counted.

Objection
to ballot
paper

(3) The deputy returning officer shall take a note of any objection made to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

(4) Every objection shall be numbered and a corresponding number placed on the back of the ballot paper.

252. (1) The deputy returning officer shall then prepare and sign in duplicate a statement showing the number of votes for and against the by-law and the number of rejected ballots.

Statement
of result of
debenture
by-law poll

(2) The deputy returning officer shall,—

- (a) forward one copy of the statement to the returning officer by mail or by personal delivery; and
- (b) make up into a separate parcel the ballots cast, the other copy of the statement, the poll book, the rejected ballots, the unused ballots, the declarations and all other papers used in connection with the vote; and
- (c) seal up the parcel and either deliver it to the returning officer or forward it to him by registered mail.

Duties of
deputy
returning
officer at
debenture
poll

253. (1) As soon as the returning officer has received the parcels from all the polling places he shall give reasonable notice to the persons appointed pursuant to section 245, subsection (4) of the time and place at which the ballots will be counted.

Duties of
returning
officer at
debenture
poll

(2) The returning officer, in the presence of those persons appointed pursuant to section 245, subsection (4) who may be present, shall,—

- (a) sum up the number of votes for and against the by-law; and
- (b) declare the result; and
- (c) certify the result of the poll to the board.

254. If no notice of motion is served on the returning officer as provided in section 255, subsection (3), the returning officer shall, at the expiration of fifteen days after the taking of the poll, forthwith make and forward to the Board of Public Utility Commissioners an affidavit stating,—

Affidavit
of returning
officer to
Board of
Public
Utility
Commission-
ers after
close of poll

- (a) the total number of votes cast for and against the by-law;
- (b) that the poll was conducted throughout in the manner provided by this Act or with such exception as he shall mention;
- (c) that the returns therein contained are correct; and
- (d) that no complaints as provided for by section 255, subsection (1), were received by him.

Scrutiny or Recount in Divisions and in Districts Other Than Town and City Districts.

255. (1) If a proprietary elector of a division or of any district other than a town or city district has a complaint with regard to the manner in which the poll was conducted, the right of any person to vote, or the counting of the ballots, then that elector may obtain a scrutiny or recount by making application to a judge by notice of motion returnable within thirty days following the taking of the poll.

Application
for scrutiny
or recount
other than in
town or city
district

(2) The notice of motion shall be supported by an affidavit of the applicant stating the grounds for entering into a recount or scrutiny of the ballot papers.

(3) The notice of motion shall be served on the returning officer within fifteen days following the taking of the poll and on such other persons as the judge may direct.

Hearing
and costs of
scrutiny or
recount

(4) Upon the hearing of the application, if the judge is satisfied that there are reasonable grounds for entering into a scrutiny or recount, he shall,—

(a) order the applicant to deposit with him such sum as he deems advisable, not being less than twenty-five dollars nor more than one hundred dollars, to cover any costs of the scrutiny or recount that may be awarded against the applicant;

(b) appoint a day and place for entering into the scrutiny or recount.

Scrutiny or
recount

256. (1) The returning officer shall appear before the judge at the time and place appointed for the scrutiny or recount.

(2) He shall deliver to the judge,—

(a) the poll books and ballot papers used at the poll;

(b) an affidavit stating,—

(i) that the poll has been conducted throughout in the manner provided by this Act or with such exception as he shall mention; and

(ii) that the entries contained in the poll book are correct.

Hearing of
complaint
relating to
conduct of
debenture
by-law poll

(3) The judge shall then hear any complaint that may be made under oath by any person relative to the conduct of the voting and shall examine into and decide such complaint by taking evidence under oath.

Voidance
of poll

257. (1) If the judge finds that the proceedings in taking the vote have been irregular in any essential particular and that the result was materially affected thereby, the judge shall declare the poll to be void and of no effect.

(2) If the judge finds that a vote has been cast by a person not duly qualified to vote, or as a result of bribery or intimidation, it shall not be counted.

Certifica-
tion of
result of
debenture
by-law vote

258. If the judge does not declare the poll to be void when all complaints have been heard and decided upon, he shall finally sum up the votes cast and certify the result to the returning officer.

Issue of Debentures.

Authoriza-
tion of
debenture
loan

259. (1) Upon receipt of such documents and information as it may require and upon being satisfied that the several conditions required by this Act have been complied with, the Board of Public Utility Commissioners may authorize the board in writing to borrow the sum or sums of money mentioned in the by-law or a less sum.

(2) As soon as possible thereafter the Board of Public Utility Commissioners shall cause notice of the authorization of the loan to be published in one issue of *The Alberta Gazette*.

Publication of notice of authorization of debenture loan

260. Notwithstanding the fact that a by-law has not received a majority vote of the proprietary electors voting thereon, the Board of Public Utility Commissioners, upon receipt of the certificate of the Minister certifying that further school accommodation or equipment is urgently required for the purpose of maintaining an efficient school or schools in the district or division, may authorize the Board in writing to borrow the sum or sums of money mentioned in the by-law or a less sum and shall thereupon cause notice of the authorization to be published in one issue of *The Alberta Gazette*.

Authorization of debenture loan following defeat

261. (1) The board on receiving authorization pursuant to section 259 or section 260 may issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorized or of any less sum, upon the terms specified in the by-law.

Issue of debenture

(2) The debenture or debentures and the coupons thereto,—

(a) when they are signed by the chairman and treasurer of the district or division; and

(b) when the said debenture or debentures are countersigned by the Minister or Deputy Minister;

shall be effective to bind the district or division and create a charge upon all school property and all property assessable for school purposes therein.

(3) The signature of the chairman or of the treasurer of the district or division on the debentures and the signatures of the chairman and the treasurer on the coupons may be engraved, lithographed, or otherwise mechanically reproduced, in which case the debentures and the coupons shall be deemed to be duly signed by the chairman and the treasurer of the district or division.

Signatures on debentures and coupons

262. (1) In a city district, debentures shall not run for a longer term than thirty years.

Term of debentures

(2) In a district other than a city district or in a division, debentures shall not run for a longer term than twenty-five years.

(3) If the date of the payment of the first instalment of principal and interest is more than one year later than the date of the debenture, the debenture may run for twenty-nine or twenty-four years, as the case may be, from that later date.

(4) If the borrowing is for the purpose of purchasing school buses, the debentures shall not run for a longer term than five years.

263. Debentures shall not carry interest at a greater rate than six per cent per annum.

Interest on debentures

- 264.** (1) Debentures may be made payable in lawful money of Canada, or of the United Kingdom, or of the United States of America, at any bank or banks, place or places, to be named in Canada, or the United Kingdom, or the United States of America.
- (2) Debentures may provide for the payment of interest either yearly or half-yearly.
- (3) Debentures may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in *The Alberta Gazette*.
- (4) The first instalment of principal and interest may be made payable at any time within eighteen months of the date of the debenture.
- (5) Notwithstanding the provisions of subsection (3), with the approval of the Minister and the Board of Public Utility Commissioners, the debentures may be dated at any time within two years from the date on which the notice of the authorization of the loan appears in *The Alberta Gazette*.
- 265.** Except as otherwise provided, every debenture shall be in one of the forms prescribed by the Minister.
- 266.** (1) In the case of an issue of debentures amounting to at least two thousand dollars, the board, in its discretion, may issue serial debentures.
- (2) The coupons attached to serial debentures shall provide payment of interest only.
- (3) There shall be sufficient consecutively numbered coupons to cover the instalments of interest payable on each debenture in each of the years during which the respective serial debentures run.
- (4) The amount of the principal sum of a serial debenture payable in any year shall not be greater or less than the amount of the principal sum payable in any other year during the debenture period by more than five hundred dollars.
- 267.** (1) The board of a city district, in its discretion, when the amount to be borrowed exceeds the sum of twenty thousand dollars, may issue debentures repayable in yearly sums which shall be of such amount that the total amount payable for principal and interest in any year shall be equal as nearly as possible to the amount payable for principal and interest in each of the other years during which the debentures are to run.
- (2) The by-law authorizing the issue of the debentures shall state the specific sum to be paid each year for principal and interest.

(3) The board shall issue separate debentures without coupons, each of which shall be numbered consecutively, and shall be for the total amount payable in that year for principal and interest.

268. (1) Any by-law authorizing the issue of debentures may provide that all or part of the debentures authorized thereby shall be redeemable at the option of the board on any date prior to maturity. Redemption of debentures prior to maturity

(2) The by-law shall specify,—

- (a) the place of redemption; and
- (b) the value at which the debentures may be redeemed including any premium on redemption fixed by the board, not exceeding three per cent of the principal amount of the debenture to be redeemed;
- (c) the manner of publication of notice of intention to redeem.

(3) Any debentures issued under the by-law shall bear an indorsement stating,—

- (a) that they are issued subject to redemption;
- (b) the place of redemption;
- (c) the value at which the debentures may be redeemed; and
- (d) the manner of publication of notice of intention to redeem.

269. (1) Notice of intention to redeem a debenture issued under section 268 shall be sent by ordinary mail at least thirty days prior to the date set for redemption to the person in whose name the debenture is registered, at the address shown in the debenture register, if any. Notice of intention to redeem debenture

(2) At least thirty days prior to the date set for redemption notice of intention to redeem shall be published in the manner set out in the by-law.

(3) Interest shall be paid to the date set for redemption and shall cease to accrue thereafter.

270. Any methods of repayment other than those prescribed by this Part may be used if approved by the Minister. Repayment of debenture

271. There shall be written or printed upon the face of every debenture,— Form of memorandum on debenture

- (a) a form of memorandum as to the registration thereof pursuant to section 273;
- (b) a form of memorandum as to its authorization by the Board of Public Utility Commissioners, pursuant to section 108 of *The Public Utilities Act*.

Amount of debentures issued

272. (1) A debenture for the whole amount or for a less amount than that mentioned in the by-law, or a series of debentures aggregating the whole amount or aggregating a less amount than is so mentioned, may be issued.

Distinguishing marks on debentures and coupons

(2) Whenever a series of debentures is issued each of the same denomination and all at the same time, each debenture of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue.

(3) The mark or symbol on each debenture shall appear on all coupons attached to that debenture.

Countersigning of debentures

273. (1) The Minister or Deputy Minister, if satisfied that the requirements of this Act have been substantially complied with, may countersign the debenture and cause the same to be sealed with the seal of the Department and registered.

(2) The countersignature may be engraved or lithographed or otherwise mechanically reproduced.

(3) The countersignature, seal and registration shall be conclusive evidence,—

(a) that the district or division has been legally established or constituted; and

(b) that all the formalities in respect to the loan and the issue of the debenture have been complied with.

(4) Thereupon the legality of the issue of the debenture shall be deemed to be conclusively established and its validity shall not be questionable in any court in the Province, and it shall be a good and indefeasible security in the hands of any *bona fide* holder thereof.

Sale of Debentures.

Disposition of surplus proceeds of sale of debentures

274. Any surplus remaining from the proceeds of the sale of debentures after all expenditures for the specific purpose or purposes for which the debentures were authorized have been made shall be placed in a suspense account and shall be applied to redeem the debentures.

Debentures sold by Minister

275. 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 a district or division by the Minister under the 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.

Refunding Debentures.

276. The board of a district or division may pass a by-law to borrow money by the issue and sale of new debentures for the purpose of purchasing or redeeming before maturity any or all outstanding debentures of the district or division.

Redemption
of out-
standing
debentures

277. (1) Subject to the provisions of Part V of *The Public Utilities Act*, a divisional board may refund any debenture indebtedness assumed by it under section 25 on the security of the division at large.

Refunding
of debentures
assumed by
divisional
board

(2) Any debentures to be refunded by a divisional board under this section shall, for the purpose of refunding, be deemed to be its debentures as if they had originally been issued by the divisional board.

278. New debentures may be issued under the authority of a refunding by-law passed under sections 276 or 277 notwithstanding that the principal amount of the new debentures may exceed the principal amount of the outstanding debentures which may be redeemed out of the money realized from the sale of such new debentures.

Principal
amount of
refunding
issue

279. Notwithstanding the provisions of this Act or of *The Public Utilities Act*, a refunding by-law need not be referred to the proprietary electors and no proprietary elector shall be entitled to demand a poll in respect of such a by-law.

Reference to
proprietary
electors not
required

280. (1) Forthwith after the passage of a refunding by-law, the secretary of the board shall forward a certified copy of the by-law and of the proposed form of the debenture or debentures to be issued under the by-law to the Board of Public Utility Commissioners.

Approval of
refunding
by-law by
Board of
Public
Utility Com-
missioners

(2) Upon receipt of a refunding by-law and the form of the debenture or debentures to be issued under the by-law, the Board of Public Utility Commissioners in writing,—

(a) may approve of the by-law and the form of the debenture or debentures to be issued under such by-law; and

(b) may authorize the board to borrow the sum or sums of money mentioned in the by-law, or a less sum; and

(c) shall cause notice of such authorization and approval to be published as soon as possible in one issue of *The Alberta Gazette*.

(3) The board 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.

Issue of
refunding
debenture

Form of
refunding
by-law and
debenture

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

Special Powers of City District.

Special
powers of
city district
re debentures

282. (1) In addition to the powers conferred by this Act, the board of a city district, with the consent of the Board of Public Utility Commissioners, may exercise all the powers to fix by by-law,—

- (a) the times at which the principal and interest of a debenture shall be repayable;
- (b) the rate or rates of interest payable on the debenture;
- (c) the place or places at which debentures and coupons shall be payable;
- (d) the currency in which debentures and coupons shall be payable;

that are conferred upon the council of a city by *The City Act*.

(2) The board of a city district that provides by by-law for the issue of debentures with the principal repayable at the end of the period during which the debentures are to run and interest payable annually or semi-annually has all the powers and duties with respect to the accumulation and administration of a sinking fund that are conferred and imposed upon the council of a city by *The City Act*.

PART IX.

REQUISITIONS, LEVIES AND COLLECTION OF TAXES.

Estimates by Districts.

Certificate
of assess-
ment in
district

283. (1) On or before the fifteenth day of February in each year the proper officer of a municipality within which a non-divisional district is situate in whole or in part shall provide a certificate to the secretary of the district board showing,—

- (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 section 7, subsection (2) of *The Assessment Act*; and
- (b) the total assessed value of all personal property other than stock-in-trade;

liable to assessment and taxation at the thirty-first day of December of the preceding year in the part of the district which is within the municipality;

Nominal
value of
lands held
under lease

- (c) in a municipality other than a special area, the total estimated nominal value of all lands in the

part of the district which is within the municipality which are held under lease as provided by *The Public Lands Act* and on which a share of crop has become payable to the Department of Lands and Forests, which nominal value shall be determined by multiplying four hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year; or

- (d) in a special area, the total estimated nominal value of all lands in the part of the district which is within the special area which are held under lease from the Special Areas Board and on which a share of crop is payable to the Special Areas Board, which nominal value shall be determined by multiplying an amount to be set by the Minister of Municipal Affairs by the total number of quarter sections so held as at the thirty-first day of December of the preceding year.

(2) The board of a non-divisional district, on or before the fifteenth day of March of each year, shall prepare and adopt a detailed estimate of its expenditures for the current year. Estimate of expenditures by district board

(3) The estimate may include an additional amount to be approved by the Minister to be set aside as a reserve fund for future capital expenditure. Reserve for capital expenditure

Requisitions by Districts.

284. (1) Immediately after the adoption of its estimate, the board shall requisition the municipality for that portion of its estimate which is required to be raised by the municipality on the form approved by the Minister. Requisition upon municipality by district board

(2) Where a district is partly within two or more municipalities the board shall apportion its requisition among those municipalities in proportion to the total values shown in the certificates received under section 283. Apportioning requisitions

(3) The board shall supply a copy of its estimates to a municipality to which it submits a requisition if the municipality requests it.

285. (1) For the purpose of apportioning the requisitions the total assessed value of farm lands within a city, town or village district may be reduced or increased by such fraction of the assessed value as may be approved or ordered by the Minister. Powers of Minister re farm lands assessment

(2) Any reduction or increase of the assessed value of farm lands which has been approved or ordered by the Minister under this section shall continue in effect from year to year until such time as a further change has been approved or ordered by the Minister.

(3) If the assessed value of farm lands in a city, town or village district which are also within a municipal district, Limitation of rate of taxation on farm lands

improvement district or special area constitutes less than ten per cent of the total assessed value of the property in that municipality that is within the school district, notwithstanding the provisions of *The Municipal District Act* or any other Act, the rate of taxation imposed upon the farm lands shall not exceed ten mills unless the Minister authorizes a rate in excess of ten mills.

Special Provisions Applicable to Separate School Districts.

Allocation of assessment determined by religion of owner

286. Where a separate school district has been established, the religion of the owner of the property liable to assessment, whether Protestant or Roman Catholic, shall determine whether the property is assessed for public or separate school purposes.

Property held jointly by Protestants and Roman Catholics

287. Where a separate school district has been established, and where property is held by two or more persons as joint tenants or tenants in common, the holders of the property being Protestant and Roman Catholic, each shall be assessed for the purposes of the district of which he is a supporter, in proportion to his interest in the property.

Assessment of company for separate school purposes

288. (1) In a public school district in which a separate school has been established a company, by giving notice, may require a percentage of the property in respect of which it is assessable, to be entered and assessed for separate school purposes.

Notice by company

(2) The notice shall,—

- (a) designate the percentage of the property of the company in the municipality assessable for separate school purposes, which shall bear the same ratio to the total assessed value of the property of the company in that municipality as the value of the shares of the company held by Protestants or Roman Catholics, as the case may be, bears to the total value of all the shares of the company;
- (b) state that the percentage designated therein has been approved by resolution of the company or of the board of directors of the company.

(3) A co-operative association shall be deemed to be a company for the purposes of sections 288 to 295 inclusive, except that the notice, if any, given by a co-operative association under subsection (2) designating the percentage of the property of the association assessable for separate school purposes shall designate a percentage which shall bear the same ratio to the total assessed value of the property of the association in that municipality as the number of members who are Protestant or Roman Catholic, as the case may be, bears to the total number of members of the association.

Service of notice by company on municipality

289. (1) A notice under section 288 shall be given to the proper officer of the municipality in which the property is situated, and to the secretaries of the public and separate school districts.

(2) The notice shall be given on or before the first day of November and shall become effective on the following thirty-first day of December.

(3) The proper officer shall retain on file in his office each notice given to him by a company.

(4) The notice shall continue in force and be acted upon until it is withdrawn, varied, or cancelled by a subsequent notice given pursuant to a resolution of the company or its directors.

290. Any person entitled to examine the assessment and tax roll may examine a notice given by a company at any time during office hours. Examination of notice given by company

291. (1) The proper officer of each municipality in each year before the completion of the assessment and tax roll, shall examine each notice on file in his office, and shall show in the assessment and tax roll the property of the company or the part thereof that is designated by the notice as assessed for separate school purposes. Entry of company property in assessment roll for separate school purposes

(2) The proper officer shall enter in the assessment and tax roll all other property for which the company is assessable as being assessed for public school purposes.

292. (1) Where a company has not given a notice under section 288 the board of the separate school district, by giving notice, may require part of the property in respect of which the company is assessable to be entered and assessed for separate school purposes. Procedure where company fails to give notice

(2) The notice shall be given to the company, to the proper officer of the municipality and to the secretary of the public school district.

(3) The notice shall be given on or before the first day of December and shall become effective on the following thirty-first day of December and shall remain in effect until the company gives a notice in accordance with sections 288 and 289.

293. Where the board of a separate school district has given a notice to a company under section 292 the proper officer of each municipality shall apportion the total assessment of that company between the public and separate school districts in the same ratio that the assessment of persons other than companies for public school purposes bears to the assessment of persons other than companies for separate school purposes. Apportioning company assessment between public and separate districts

294. (1) The proper officer of each municipality, when providing the certificate required by section 283, or section 296, shall also send to each board a statement showing,— Statement of assessments to public and separate districts

(a) the total assessment of all property assessed to persons other than companies for public school purposes, and for separate school purposes respectively;

- (b) the total assessment of all property assessed to companies for public school purposes and for separate school purposes respectively as a result of company notices under section 288;
- (c) the total assessment of all property assessed to companies for public school purposes and for separate school purposes respectively as a result of separate school board notices under section 292;
- (d) the totals of the assessments under clauses (a), (b) and (c) for public school purposes and for separate school purposes respectively.

(2) The total assessment for public school purposes and the total assessment for separate school purposes determined under clause (d) of subsection (1) shall be used by the public school district and the separate school district for the purpose of making their respective requisitions.

Apportioning
assessment
in collecting
school
districts

295. (1) Where there are school districts that collect their own taxes, the secretary of the public school district and the secretary of the separate school district shall apportion the total assessment of each company in accordance with the notice given by that company or given by the separate school board to that company in the same manner as the proper officer of a municipality is required to do.

(2) In respect of each company the assessment roll of the public school district shall show only the property of the company that is assessable for public school purposes, and the assessment roll of the separate school district shall show only the property of the company that is assessable for separate school purposes.

Estimates by Divisions.

Certificate
of
assessment
in division

296. (1) On or before the fifteenth day of February in each year, the proper officer of a municipality within which a division is situate in whole or in part, shall provide a certificate to the secretary of the divisional board, showing,—

- (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, other than stock-in-trade;

liable to assessment and taxation at the thirty-first day of December of the preceding year in the part of the division which is within the municipality;

Nominal
value of
lands held
under lease

- (c) in a municipality other than a special area, the total estimated nominal value of all lands in the part of the division which is within the municipality which are held under lease as provided by *The Public Lands Act* and on which a share of crop has become payable to the Department of Lands and Forests,

which nominal value shall be determined by multiplying four hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year; or

- (d) in a special area, the total estimated nominal value of all lands in the part of the division which is within the special area which are held under lease from the Special Areas Board and on which a share of crop is payable to the Special Areas Board, which nominal value shall be determined by multiplying an amount to be set by the Minister of Municipal Affairs by the total number of quarter sections so held as at the thirty-first day of December of the preceding year.

(2) Where a non-divisional separate school district has been established in a divisional district, the proper officer of the municipality in giving the certificate required by this section, shall not include the property of a company that is assessable for separate school purposes under the provisions of sections 288 to 295 inclusive.

297. (1) On or before the fifteenth day of March in each year a divisional board shall prepare and adopt a detailed estimate of its expenditures for the current year. Estimate of expenditures by divisional board

(2) The estimate may include an additional amount to be approved by the Minister, to be set aside as a reserve fund for future capital expenditure.

Requisitions by Divisions.

298. (1) If a divisional board determines that the educational requirements exclusive of capital requirements of a hamlet or of a village or town which became incorporated after the constitution of the division justify the making of an additional requisition, the board, by resolution subject to the Minister's approval, may determine the amount of the additional requisition to be made and designate the hamlet or village or town within which the levy shall be made to produce that amount. Resolution of divisional board for additional requisition

(2) Any resolution passed under the provisions of subsection (1) shall be passed not later than the first day of March of the year in which it is to take effect.

(3) When an additional requisition has been approved by the Minister under the provisions of subsection (1), it shall continue in effect from year to year until changed as hereinafter provided for. Decrease or increase of additional requisition

(4) In the case of a hamlet the additional requisition may be reduced by resolution of the board or increased by resolution of the board with the approval of the Minister.

(5) In the case of a town or village the additional requisition may be altered by agreement under section 30, subsection (2), sections 40 and 41.

Computation
of requisition
of
divisional
board

299. (1) A divisional board, in computing its requisition upon each municipality included in whole or in part in the division, shall deduct from its estimated total expenditures its estimated total revenues from all sources other than requisitions in order to obtain the estimated total sum required to be raised by requisitions.

(2) The board shall list the additional requisitions,—

(a) resulting from agreements of inclusion made under the provisions of section 32;

(b) resulting from board resolutions made under the provisions of section 298;

(3) The board shall deduct the sum of the additional requisitions referred to in subsection (2) from the estimated total sum required to be raised by requisitions as determined under subsection (1) to obtain the total basic requisition.

Apportionment
of
requisitions
among
municipalities

(4) The board shall apportion the total basic requisition as determined in subsection (3) among the municipalities in proportion to the total values as shown on the various certificates received under section 296, and the amounts so computed shall be the basic requisitions of the division on the several municipalities.

(5) The board shall add each additional requisition listed pursuant to subsection (2) to the basic requisition of the appropriate municipality.

(6) The resulting sums shall be the total requisitions of the division upon the respective municipalities.

Submission
of requisition
of divisional board
to municipality

300. (1) A divisional board, as soon as possible after the adoption of its estimates, shall submit to each municipality on the form approved by the Minister, its requisition computed according to the provisions of section 299.

(2) The board shall supply a copy of its estimates to a municipality to which it submits a requisition if the municipality requests it.

Payment of Requisition.

Payment of
requisition

301. (1) Each municipality shall pay to the board of the district or division the amount of the sum requisitioned by equal quarterly instalments on the fifteenth day of each of the months of March, June, September and December.

Procedure
for levying
additional
requisition

(2) Each municipality shall levy the amount of any additional requisition on the assessable property in that part of the school district or hamlet which is within the municipality in the same manner and at the same time as it levies the amount of the basic requisition.

Levying of
taxes to pay
requisitions

302. (1) Each municipality shall levy the taxes necessary to pay that proportionate part only of the requisition made upon it by a district or division which is attributable to assessed values.

(2) For that purpose the municipality shall have the same powers of levying and collecting taxes as it has for municipal purposes.

(3) The property liable to assessment and taxation in respect of the requisitions made by any district or division shall be,—

Property
liable to
assessment
and tax-
ation

- (a) the property within the district or division that is declared to be liable to assessment and taxation by *The Assessment Act*; and
- (b) the property within that part, if any, of the district or division, that is within a city and is liable to assessment and taxation under *The City Act*.

(4) All taxes levied in respect of any requisition made in accordance with the provisions of this Part shall be deemed to be taxes for the purpose of any Act respecting the recovery of taxes by the municipality upon which the requisition is made.

References by Municipalities.

303. (1) The council of a municipality, or the Minister of Municipal Affairs in the case of an improvement district or special area, within thirty days of the receipt of the requisition upon it by a district or division, may apply to the Board of Public Utility Commissioners for an examination of the estimates of the district or division for the current year.

Application
to Board of
Public Utility
Commis-
sioners for
examination
of estimates

(2) No application may be made by a council or by the Minister unless the requisition received by the municipality exceeds twenty per cent of the total sum requisitioned by the district or division upon all the municipalities to which requisitions are submitted, or unless the requisition exceeds fifty per cent of the total amount of the requisitions made upon the municipality by all districts and divisions.

(3) The application shall be accompanied by a statement setting forth the respects in which, in the opinion of the municipality, the estimates of the district or division are excessive.

(4) The Board of Public Utility Commissioners, after due investigation, and the hearing of representations from the district or division and from the municipality, and from other municipalities included wholly or in part in the district or division if they desire to make representations, may,—

Approval or
reduction
of estimates

- (a) approve the estimates and requisitions; or
- (b) direct that the requisitions upon the various municipalities shall each be reduced by a percentage which it shall determine, and that the estimates be revised accordingly.

(5) The Board may require to be produced and may examine such records and documents as it may deem pertinent to the examination.

No appeal
from
decision of
Board

(6) The Board shall notify the district or the division and the municipalities of its decision which shall be binding on all parties affected and there shall be no appeal therefrom.

(7) In the case of an application involving a school division, the requisitions referred to herein shall be the basic requisitions of the division only, as determined under section 299.

Districts Collecting School Taxes.

Power of
district to
levy taxes

304. (1) Notwithstanding any provision of this Part the Minister by order may empower a district to levy and collect taxes with respect to its whole area, and the provisions of section 305 shall apply only to districts which have been so empowered.

(2) The order shall be published in *The Alberta Gazette*.

Provisions
re requisitions
not
applicable

305. (1) The provisions of this Part relating to the making of requisitions upon municipalities shall not apply to a district empowered by the Minister to collect taxes.

(2) When an order is made under section 304,—

Regulations
governing
levying and
collection
of taxes

(a) the Lieutenant Governor in Council may make any regulations or provisions which may be necessary,—

(i) to enable the district named therein to levy and collect taxes with respect to its whole area; and

(ii) for the adjustment, arrangement and settlement of accounts between the district and the authority which previously levied and collected the taxes; and

(b) any such provisions and regulations, notwithstanding the provisions of any other Act, shall have the same force and effect as if they were contained in and were part of this Act.

(3) A district named in an order made under the provisions of section 304, subsection (1), for the purpose of imposing and collecting taxes for school purposes, shall have all the powers with respect to the imposition and collection of taxes that are vested in a town by the provisions of *The Town and Village Act, 1952*, subject, however, to the provisions of *The Tax Recovery Act*.

PART X.

CONVEYANCE AND MAINTENANCE OF PUPILS.

Conveyance within District.

Conveyance
of pupils

306. A board may make provision for the conveyance of any or all of the children to and from the school in the district in which they reside.

Conveyance of Pupils in Grades I to IX.

307. Subject to the other provisions of this Part, the board of every non-divisional district and of every division shall provide conveyance to and from school for a pupil if,—

- (a) he is enrolled in any grade from one to nine inclusive; and
- (b) his parent or guardian resides at a distance greater than three miles from the school which the board has directed the pupil to attend; and
- (c) he has been directed to attend a school outside the limits of the district in which the pupil's parent or guardian resides, which, in the case of a consolidated district, means the component district thereof in which the parent or guardian resides.

Responsibility of divisional and non-divisional boards as to conveyance of pupils in Grades I to IX

308. (1) A board that is required to provide conveyance for a pupil may do so by operating a bus along a route which is not more than one and a half miles from the residence of the pupil's parent or guardian.

Operation of bus to provide conveyance

(2) In the case of isolated families, or in other special circumstances, a board that is required to provide conveyance for a pupil may do so by making an agreement with the parent or guardian of the pupil whereby the parent or guardian,—

Payment for conveyance or maintenance of pupils by parent or guardian

- (a) conveys the pupil to and from school or the bus route and receives payment therefor from the board at a rate not exceeding twenty-five cents per mile or two dollars per family per day;
- (b) provides for the attendance of the pupil in any other suitable manner and receives payment therefor from the board at a rate not exceeding one dollar and twenty-five cents per pupil per day.

(3) If a dispute arises with respect to an agreement under subsection (2), or if the board fails to make an agreement with a parent or guardian under that subsection, the matter shall be referred for settlement to the Minister, whose decision therein shall be final.

Reference of dispute to Minister

(4) With respect to payments to be made under the provisions of clauses (a) and (b) of subsection (2), the board may adopt a schedule applicable to all families, and, when this schedule has been approved by the Minister, individual agreements with parents or guardians shall not be required.

Adoption of schedule of payments for conveyance or maintenance

Conveyance of High School Pupils.

309. (1) A board may transport a pupil in a grade above the ninth to a high school either in a conveyance operated exclusively for such pupils or otherwise and may charge the parent or guardian of the pupil such fees for conveyance as it deems proper.

Fees chargeable for conveyance of high school pupils

Contribution of board to maintenance or conveyance of high school pupil.

(2) With respect to a pupil in a grade above the ninth who is unable to receive instruction within his own district, a board, with the approval of the Minister, may contribute towards his maintenance while away from home or towards his conveyance between home and school an amount not exceeding one dollar and twenty-five cents per pupil per day.

General Provisions Relating to Conveyance.

Liability of boards for negligence in conveying pupils

310. No board shall be under any liability for negligence to the parent or guardian of a pupil, or to a pupil, who is being conveyed to and from a school or a bus route,—

- (a) pursuant to an agreement made between the board and the parent or guardian under the provisions of this Part;
- (b) pursuant to an arrangement whereby the parent or guardian is entitled to receive payment from the board in accordance with a schedule approved by the Minister under the provisions of this Part;
- (c) if the pupil is a high school pupil towards whose conveyance the board is making a contribution under the provisions of section 309.

Regulations governing conveyance of pupils

311. (1) The Minister, subject to the approval of the Lieutenant Governor in Council, may make such regulations as are deemed necessary and expedient,—

- (a) relating to the proper conveyance of pupils; and
- (b) providing for the keeping of records as to number of pupils conveyed, the distance travelled, the cost of conveyance, and such other information as may be desired.

Duty of principal re conveyance records

(2) The principal of a school shall keep such daily records as the board may require for its own purposes or for the compilation of reports required by the Minister under the provisions of subsection (1).

Computation of distances

312. In computing distances for the purposes of this Part,—

- (a) the official survey made under any Act of Canada or the Province relating to surveys shall be accepted as final and conclusive and all sections shall be deemed to be one mile square and no more;
- (b) the width of road allowances shall be excluded from the computation;
- (c) the distance of a residence from a school or from a bus route means the shortest distance measured along a travelled road between the boundary of the school site or the bus route, as the case may be, and the nearest boundary of the quarter section, river lot or lake lot upon which the pupil resides.

PART XI.

EDUCATION OF NON-RESIDENT CHILDREN.

No Fees Chargeable to Residents.

313. No fees shall be charged by the board of a district or division for the attendance of a child whose parent or guardian is a resident of the district or division.

No fees chargeable for resident pupils

314. If the parents of a child do not reside in the same district or division, the parent with whom the child lives continuously throughout the period of attendance at school shall be deemed to be the parent of that child for purposes of this Part.

Admission of Non-Resident Pupils.

315. The parent or guardian of a child may apply to the board of a district or division in which he does not reside for the admission of the child to its school.

Admission of non-resident children

316. The board may require the applicant to produce a statement from the inspector of that school, to the effect that there is sufficient accommodation in the school to permit the admission of the child.

317. If there is sufficient accommodation the board shall admit the child to its school.

Fee for Non-Resident Pupils.

318. (1) The board may charge fees for the instruction of pupils whose parents or guardians are not residents of the district or of the division.

Fees for instruction of non-resident pupils

(2) The board may charge,—

- (a) for each pupil enrolled in grades one to six, inclusive, a fee of not more than five dollars for each month or major part of a month in which he is in attendance;
- (b) for each pupil enrolled in grades seven to nine, inclusive, a fee of not more than six dollars for each month or major part of a month in which he is in attendance;
- (c) for each pupil enrolled in any grade above the ninth, a fee of two dollars per year for each credit assigned in the regulations of the Department to the subjects in which he receives instruction.

(3) Notwithstanding clause (c) of subsection (2) the fees chargeable for instruction in grades above the ninth,—

- (a) shall not exceed seventy dollars per year per pupil;
- (b) may be fixed at twenty dollars per year if the pupil is taking instruction in subjects having a total of less than ten credits;

- (c) shall be one tenth of the annual fee for each month or major part of a month in which the pupil attends where he is in attendance for only a part of a year.

Payment
of fees

319. (1) The fees shall be paid by the board of the non-divisional district or division in which the parent or guardian of the pupil resides, if the instruction received by the pupil is not provided by that board.

(2) The fees shall be paid monthly in advance by the parent or guardian if the board of the district or division in which the parent or guardian of the pupil resides provides the instruction received by the pupil.

Conditions
under which
instruction
deemed
available

320. (1) Subject to the provisions of section 321, the board of a non-divisional district shall be deemed to provide the instruction of any grade if that instruction is given in a school operated by that board or by another board with which the first has concluded a tuition agreement for the instruction of pupils of that grade.

(2) Subject to the provisions of section 321, the board of a division shall be deemed to provide the instruction of any grade if it is offered,—

- (a) in the district of the division of which the parent or guardian of the pupil is a resident; or
- (b) in a school of an adjacent district of the division to which the pupil may reasonably be expected to travel daily; or
- (c) in a school in a district of the division to which conveyance is provided by the board; or
- (d) in a district or division with the board of which the divisional board has entered into a tuition agreement for the instruction of pupils of that grade.

(3) The board of a division shall be deemed to provide the instruction of any high school grade if it is offered in a district of the division at a centre in which the pupil may secure board and lodging either in a dormitory operated by the board or elsewhere.

Liability
of board
for fees
when tuition
agreement
exists

321. Where a district or division has entered into a tuition agreement and is deemed under section 320, subsection (1) or (2) to be providing instruction, if a pupil whose parent or guardian resides therein attends the school of a district or division other than that with which the tuition agreement has been made, the board of the district or division in which the parent or guardian of the pupil is a resident shall be liable to the board of the other district or division,—

- (a) for the fees prescribed in this Part; or
- (b) for such fee as is the equivalent of the cost per pupil to the district or division payable under the tuition agreement;

whichever is the lesser.

322. (1) The fee payable in any year by a parent or guardian shall be reduced by the amount of the school tax, if any, which is levied with respect to property assessed in the name of the parent or guardian within the district or division in which the pupil is in attendance.

Reduction
of tuition
fee

(2) When only a portion of the instruction which a pupil is receiving in any grade above the ninth is provided by the board of the district or division in which his parent or guardian resides,—

Fee when
portion of
instruction
provided

- (a) the district or division shall pay the fees charged for the subjects in which it does not provide instruction;
- (b) the parent or guardian shall pay the remainder.

(3) If the parent or guardian resides in unorganized territory and on land not in an Indian Reserve,—

Tuition
fees for
pupils
residing in
unorganized
territory

- (a) for instruction in grades one to nine inclusive,—
 - (i) the parent or guardian shall pay two dollars per month on behalf of all the pupils in his family;
 - (ii) the Minister shall pay the balance of the fees chargeable under this Part;
- (b) for instruction in grades above the ninth,—
 - (i) the Minister shall pay the fees chargeable to an amount not exceeding fifty dollars per pupil per year;
 - (ii) the parent or guardian shall pay the balance of the fees chargeable under this Part.

Higher Fees in Certain High Schools.

323. (1) A board providing instruction in grades above grade nine in a school in which the full time of three or more teachers is devoted to those grades may charge for that instruction fees at a rate in excess of that provided for in section 318, subsection (2), clause (c).

Tuition fees
in certain
high schools

(2) In no case shall the rate of the charge made under subsection (1) be in excess of the cost per credit per year per pupil as calculated by the method shown in section 324.

(3) Subject to subsection (1) of section 322, any charge for tuition fees in grades above the ninth in excess of those authorized under section 318 shall be payable by the parent or guardian of the pupil unless the board in its discretion pays such excess or any part thereof.

324. (1) The following items and no others shall be included in estimating the total cost of offering instruction in grades above the ninth,—

Estimate
of cost of
high school
instruction

- (a) the correct portion of total teachers' salaries;
- (b) the janitor's salary or the correct portion of the janitor's salary;
- (c) the cost of classroom supplies actually purchased and used up during the year;

- (d) the cost of heating, lighting, power, and water supply.
- (2) The cost per credit per year per pupil of providing instruction in grades above the ninth shall be ascertained,—
- (a) from the records of the district or division showing costs incidental to the provision of the instruction; and
- (b) from the records showing the subjects taken by the pupils; and
- (c) from other essential data for the school year preceding that during which the charge is made;
- by dividing the total cost of providing the instruction by the aggregate number of credits offered to all pupils enrolled in those grades during that year.

General Provisions Relating to Fees.

Voluntary
payment
of fees by
board

325. Notwithstanding any of the provisions contained in this Part, the board of a district or division may,—

- (a) pay all or a portion of the fees payable by a parent or guardian resident therein;
- (b) pay to the parent or guardian of a pupil, in order to assist him to defray the cost of the education of that pupil at a private school or institution which maintains instructional standards approved by the Minister, a sum not exceeding that which would be payable for fees if the private school or institution had power to charge fees in the same manner as a board.

Recovery
of fees

326. Fees payable under this Part may be recovered with costs in any court of competent jurisdiction in the Province, as a debt due to the board of trustees, from any person or board by whom the same are made payable.

Certificate
of inspector
or superin-
tendent

327. The certificate of an inspector or superintendent of schools as to the grades and subjects taught in a school and the educational standing of a child, shall be final and conclusive as to the facts stated therein, for all the purposes of this Part.

Reference of
dispute to
Chief Super-
intendent
of Schools

328. All disputes as to the amount of fees payable by a board or by a parent or guardian under the provisions of this Part shall be referred to the Chief Superintendent of Schools, whose decision shall be final.

PART XII.

THE TEACHER.

Power of Board to Appoint Teachers.

329. The board of every non-divisional district and of every division shall employ in the manner provided by this Act duly qualified teachers to teach in the school or schools in its charge and shall designate the school or room in which each of its teachers shall teach.

Appoint-
ment of
teachers

Qualification of Teachers.

330. (1) Except as hereinafter provided no person shall be employed as a teacher in any school unless he holds a permanent or temporary certificate of qualification issued by the Minister under *The Department of Education Act*.

Teaching
certificate
required

(2) No permanent certificate shall be issued to any person who is not a British subject.

(3) A person who is not qualified under this section shall not be entitled to recover in a court of law any remuneration for his services as a teacher.

No remuneration to un-qualified person

(4) A person who is not qualified under this section shall not undertake to conduct a school as a teacher.

Offence to
teach when
not
qualified

(5) No board shall employ as a teacher in its school any person other than a person qualified under this section.

Teachers' Contracts.

331. (1) Subject to the provisions of the following subsections, a teacher shall be deemed to have entered into a contract of employment with a board after the making of an offer of employment to the teacher by the chairman or secretary followed by an acceptance of the offer by the teacher on or before the eighth day following the date of the offer.

Requisites
for contract
between
teacher and
board

(2) If the teacher accepts the offer on or before the eighth day following the date of the offer the secretary shall send a confirmation of the resulting contract to the teacher forthwith.

(3) If the teacher does not accept the offer until after the eighth day following the date of the offer made by the chairman or secretary, no contract shall exist.

(4) After the eighth day following the date of the offer, the teacher may send a statement to the chairman or secretary to the effect that he wishes to accept the offer.

(5) Within four days after the receipt of the teacher's statement the chairman or secretary may send him a notification that he is under contract to the board, and the teacher shall be deemed to be under contract from the date of the notification.

- (6) For the purposes of this section,—
- (a) an offer, acceptance, confirmation, statement, or notification,—
- (i) shall be in writing; and
- (ii) may be sent by registered mail or by telegraph, or delivered by hand or ordinary mail;
- (b) the date of an offer, acceptance, confirmation, statement, or notification,—
- (i) if sent by registered mail or by telegraph shall be the date of mailing or despatch;
- (ii) if delivered by hand or ordinary mail shall be the date of receipt.

Delegation
of functions
to superin-
tendent

332. The functions which may be performed by the chairman or secretary as set out in section 331 may be performed by the superintendent in a school division or in a district employing a superintendent if he is so authorized by a resolution of the board.

Terms of
employment
of teacher

333. Under any contract the terms of the employment shall be as provided by this Act and the teacher shall be paid in accordance with the salary schedule adopted by the board.

No written
contract
required

334. Except as provided in section 342, no written contract is required apart from the offer, acceptance, confirmation, statement, and notification referred to in section 331.

Continuation
of teacher's
contract

335. Subject to the following provisions, a contract of employment of a teacher shall continue in force from year to year, unless the certificate of the teacher is suspended or cancelled, or unless it is terminated by mutual consent.

Termination of Contracts.

Termination
date of
teacher's
contract

336. (1) Every contract of a teacher shall terminate on the thirty-first day of August following the date on which the teacher attains the age of sixty-five years.

(2) A board may employ a teacher who has attained the age of sixty-five years as a temporary teacher or as a substitute teacher.

Termination
of contract
due to age

337. Subject to the conditions set out in sections 338 to 341 either party thereto may terminate the contract between the teacher and the board by giving at least thirty days' notice in writing to the other party of his or its intention to do so.

Date of
termination
of contract
by board

338. (1) No board shall give a notice to terminate a contract effective in any month except July until it obtains the approval of the Minister.

Date of
notice to
teacher

(2) A notice to terminate a contract effective in the month of July shall be given to the teacher by the board on or before the preceding fifteenth day of June.

339. (1) No teacher shall give a notice to terminate a contract effective in any month except July or August until he obtains the approval of the Minister.

Date of termination of contract by teacher

(2) No teacher shall give a notice to terminate a contract under which he has not yet rendered service until he obtains the consent of the Minister.

(3) A notice to terminate a contract effective in the month of August shall be given to the board by the teacher on or before the preceding fifteenth day of July.

Date of notice to board

340. A notice to terminate a contract may be given either by delivering it to the person to whom it is addressed, or by sending it in a duly addressed and prepaid envelope by registered mail, and in the latter case the notice shall be deemed to have been given upon the day on which it is mailed.

Giving of notice of termination of contract

341. (1) If a teacher notifies the secretary in writing of a post office address to which notices may be sent, the secretary shall send all notices to that address.

Address for service of notice of termination of contract

(2) If the teacher gives no notification under subsection (1) any notice sent by the secretary by mail shall be deemed to be properly addressed if addressed to the teacher at his last known post office address.

Temporary and Substitute Teachers.

342. (1) Where a temporary teacher is employed a written contract of employment shall be executed by the parties and the provisions of sections 331, 332, and 334 to 341 inclusive, do not apply.

Written contract with temporary teacher

(2) The written contract shall,—

- (a) be in the form prescribed by the Minister;
- (b) be signed in triplicate by the teacher and by the chairman or by a member of the board who is authorized by resolution of the board to sign the contract on behalf of the board;
- (c) designate the period during which the teacher is to be employed and the date on which the employment is to terminate.

(3) The board shall transmit one copy of the contract to the Department forthwith after its execution.

(4) In the event of any alteration or amendment of the form prescribed by the Minister being made without the approval of the Minister, the prescribed form shall have effect as if such alteration or amendment had not been made.

343. Where a substitute teacher is employed a written contract is not required and the provisions of sections 331 to 341 inclusive do not apply to such a teacher.

Written contract with substitute teacher not required

General Provisions Relating to Contracts of Employment.

Duties not to be required of teacher

344. (1) No contract of employment shall contain or be subject to a term or condition requiring the teacher to perform janitor services or any services or duties other than those set out in section 365 or provided for elsewhere in this Act.

(2) Any such term or condition shall be void and of no effect.

Summary termination of teacher's contract

345. (1) At any time the Lieutenant Governor in Council may terminate summarily the contract of a teacher and any such termination shall be final and conclusive and shall be binding upon the board and the teacher.

(2) The Minister shall give notice in writing of the termination to the teacher and to the board in the manner prescribed in section 340.

Transfer of Teachers.

Right of board to transfer teacher

346. (1) A board may transfer a teacher from one school or room in its charge to another at any time during the school year.

Notice to teacher of transfer

(2) The board shall give seven days' notice in writing of transfer to the teacher concerned.

Request by teacher for hearing on transfer

(3) The teacher, within seven days after receiving notice of transfer may request, in writing, an opportunity to be heard before the board.

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

(5) The board shall not transfer under this section a teacher who has been designated to be a principal, vice-principal, or assistant principal under section 367.

Board may pay expenses of teacher transferred

347. The board of a division may pay all or part of the expenses necessarily incurred by a teacher in moving himself, his family and his personal and household effects as a result of a transfer from one school to another within the division.

Suspension and Dismissal.

Reasons for summary dismissal of teacher

348. (1) A board may suspend or dismiss a teacher summarily for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the board.

(2) The board shall,—

(a) give notice in writing to the teacher; and

(b) transmit a written statement of the facts to the Minister forthwith.

Appeal of teacher against suspension or dismissal

(3) A teacher who is suspended or dismissed summarily by the board may appeal to the Minister within fifteen days.

- (4) The Minister shall investigate the matter and confirm or reverse the decision of the board. Investigation by Minister of suspension or dismissal of teacher
- (5) If the Minister reverses the decision, the board shall reinstate the teacher.

Board of Reference.

- 349.** (1) The Lieutenant Governor in Council shall appoint a Board of Reference, consisting of not more than three members. Constitution of Board of Reference
- (2) The members of the Board of Reference shall receive such remuneration as the Lieutenant Governor in Council may determine. Remuneration of members of Board of Reference
- 350.** (1) When a dispute or disagreement arises between a board and a teacher with respect to the termination of a contract between the board and the teacher, either party to the dispute or disagreement may make application to the Minister to refer the dispute to the Board of Reference. Application to Minister for hearing by Board of Reference
- (2) No application shall be made in any case where the contract has been terminated with the approval in writing of the Minister. When application not allowed
- (3) When an application is before the Minister, the termination of the contract shall not take effect until the Minister has received the decision of the Board of Reference.
- 351.** (1) The application shall,—
- (a) be in writing; and Form and contents of application
- (b) set forth a complete statement of the nature of the complaint or dispute which statement shall be verified by statutory declaration on the part of the party or parties making the application.
- (2) The applicant shall pay to the Minister a fee of twenty-five dollars which may be returned or otherwise disposed of on the recommendation of the Board of Reference. Fee upon application
- (3) The application shall be sent by registered mail to the Minister not later than the thirtieth day of June in any year; and Date of application
- (a) within twenty days of the receipt by the applicant of the notice of termination; or
- (b) within twenty days of the date on which the dispute or disagreement arises, if no notice has been received.
- (4) The applicant shall forthwith send a copy of the application to the other party to the dispute or disagreement. Copy of application to other party

Reference
of dispute
to Board

352. (1) Upon receipt of the application, the Minister shall refer the dispute or disagreement in question to the Board of Reference.

Investiga-
tion by
Board of
Reference

(2) The Board of Reference may make such investigation as it deems necessary and shall make a decision on the dispute or disagreement.

Disallow-
ance of
action of
Board of
trustees

(3) Where the board of trustees purports to terminate the contract, if the Board of Reference is satisfied that,—

(a) the board of trustees in terminating the contract did not act as reasonable persons should act in the discharge of their duties as trustees; and

(b) the contract was not terminated,—

(i) because of the misconduct or inefficiency of the teacher; or

(ii) by reason of anything in the mode of life, character, or disposition of the teacher of a nature calculated to make the retention of the teacher detrimental to the proper and efficient conduct of the school for which the trustees are responsible; or

(iii) by reason of the financial necessities or circumstances of the district; or

(iv) for the reason that the termination of the contract is conducive to the general welfare of the the district and the betterment of the educational facilities therein;

the Board of Reference shall disallow the action of the board of trustees.

(5) The decision of the Board of Reference shall be binding and conclusive upon the board of trustees and the teacher.

Attendance
of witnesses
at Board of
Reference
hearing

353. The Board of Reference, for the purpose of procuring the attendance of witnesses and compelling them to give evidence, shall have all the powers that may be conferred on a commissioner appointed under *The Public Inquiries Act*.

Minister
may refer
dispute to
designated
member of
Board of
Reference

354. (1) The Minister, in any case in which he thinks it proper to do so, may refer an application to a designated member of the Board of Reference instead of referring it to that Board.

Power of
member
acting for
Board of
Reference

(2) The member of the Board to whom the application is referred shall have the same powers and duties as are conferred or imposed on the Board and his decision shall be deemed to be a decision of the Board.

Payment of Teachers.

Bargaining
agent

355. Teachers may bargain collectively with the board of a non-divisional district or of a division and may conduct such bargaining through a bargaining agent pursuant to *The Alberta Labour Act*.

- 356.** (1) Subject to section 355, the board of a non-divisional district or of a division shall,—
- (a) prepare and adopt a salary schedule;
- (b) forward the schedule and any amendments made thereto to the Department within ten days after adoption.
- (2) Any salary schedule adopted pursuant to subsection (1) shall,—
- (a) be applicable to all classes of teachers other than substitute teachers employed by the board;
- (b) set out with respect to each class of teacher,—
- (i) the minimum salary; and
- (ii) the annual increments, which may be limited by a maximum salary; and
- (iii) the period of time for which the schedule is operative.
- (3) The salary schedule may provide for additional remuneration of principals and other teachers vested with special supervisory duties and for additional remuneration for teachers with special qualifications and previous experience.
- (4) When a district is included in a division,—
- (a) the teacher or teachers under contract to the district shall be under contract to the division; and
- (b) the schedule of the district shall continue in effect with respect to any such teacher for one year after its effective commencement date, and thereafter until the effective commencement date of a new schedule adopted by the division pursuant to subsection (1), in the negotiation of which the teachers formerly under contract to the district have participated as employees of the division; and
- (c) the new schedule referred to in clause (b) may provide for the continuance of the district's schedule, or any portion thereof, in respect of any teacher formerly under contract to the district.
- (5) Notwithstanding the provisions of any other Act, the board of the division, prior to the adoption of the schedule referred to in clause (b) of subsection (4), may pay to any teacher the salary which would be payable under the terms of the schedule of the division if such salary is in excess of that payable under the terms of the schedule of the district.
- (6) When a district is transferred from one division to another division, the teacher or teachers teaching in that district shall be under contract to the division to which the district is transferred, and the provisions of subsections (4) and (5), with the necessary changes being made shall apply to such teacher or teachers and the salary schedules applicable thereto.

Preparation and adoption of salary schedule for teachers

Requirements of salary schedule

Schedule may provide for additional remuneration

Effect upon salary schedule of inclusion of district in division

Power of board to pay under schedule of division

Effect upon salary schedule of transfer of district

Rate of salary of teacher to be expressed

357. (1) The salary of a teacher shall be expressed in every contract or salary schedule in terms of an annual or monthly rate.

(2) Where the salary is expressed in terms of a monthly rate, the annual rate shall be twelve times the monthly rate.

Minimum salary of teacher

(3) Notwithstanding any contract or salary schedule to the contrary, the minimum salary of a teacher shall be at a rate not less than eighty-three dollars and thirty-three cents per month or one thousand dollars per year.

(4) Notwithstanding subsection (3), if a contract or salary schedule provides for the payment of a salary at a rate less than that specified in subsection (3), the Minister, upon the request of the board, may authorize payment of salary at the lower rate for a specified time.

(5) Any agreement, arrangement, or device which has the effect of reducing the salary of a teacher to an amount less than the minimum salary as fixed under this section shall be void.

Monthly payment of teacher

358. (1) A board shall pay every teacher to whom salary is due, except a substitute teacher, one-twelfth part of his annual salary at the rate or rates in effect during the month, at the end of each calendar month except August.

Final payment of salary

(2) Subject to section 364, on or before the thirty-first day of August, a board shall pay every teacher, except a substitute teacher, the sum which completes the payment of his salary as determined under sections 359 to 363 inclusive.

(3) A substitute teacher shall be paid at the end of each month or oftener at the discretion of the board.

(4) Notwithstanding subsection (1) if a teacher is entitled to receive payment for fewer than fifteen teaching days in a month, the board may make a proportionate payment for that month.

Board may withhold portion of teacher's salary until necessary reports filed

(5) A board may withhold an amount not exceeding one monthly instalment of a teacher's salary at the end of each term until such time as the teacher submits to the secretary such reports and returns as may be required by the Department.

Computation of teacher's salary

359. (1) The board shall pay to every teacher who teaches upon all the days of a school year upon which his school should be in operation under the provisions of this Act his full annual salary.

(2) Except as provided in subsection (3), the board shall pay to every teacher under contract for a period including all the teaching days of a school year who does not teach upon all the days upon which his school should be in operation, his full salary less one two-hundredth part of such salary for each day upon which he does not teach.

(3) The board shall pay,—

- (a) to every teacher under contract for a period which does not include all the teaching days of a school year; and
- (b) to every teacher under contract for a period including all the teaching days of a school year, who during that year teaches upon fewer than one hundred days;

one two-hundredth part of his annual salary for each day taught.

(4) For the purposes of this section, a teacher shall be deemed to have taught upon all days,—

- (a) during which the school is lawfully in operation under his charge or would be in such operation save for an order of the board to the contrary;
- (b) other than those within a vacation period upon which he is necessarily absent from his school in order to attend a teachers' convention or institute or school fair or festival approved by the Minister;
- (c) during which his school is closed by order of a qualified medical practitioner or a public health nurse employed by the Department of Public Health, or by the board on account of the existence within the district or division of an actual or threatened epidemic of disease, but not exceeding in all thirty days in the year;
- (d) proclaimed or declared 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 located, and any holidays declared or permitted by the board under the provisions of this Act;
- (e) upon which the school is closed by law for the purpose of holding an election;
- (f) for which the teacher is entitled to salary in accordance with the provisions of section 360.

Days on which teacher deemed to have taught

360. (1) A teacher who is absent from school to obtain necessary medical or dental treatment or because of accident, disability, or sickness shall be entitled to his salary during such absence.

Sick pay for teacher

(2) The teacher is entitled to salary under this section for not more than twenty days in an entire school year.

(3) If the teacher has rendered service for less than two hundred days in a school year, he may claim salary under this section for a number of days bearing the same relation to twenty as the number of days of service bears to two hundred.

(4) Before paying salary under this section the board may require a certificate from a qualified medical or dental practitioner.

(5) A board shall pay the salary payable under this section on the last day of each month.

Sick pay entitlement may be carried forward

(6) A board may pay salary under this section for a greater number of days than twenty, and may adopt a scheme whereby a teacher may earn, during service with the board, an entitlement of salary applicable to periods of illness, the unused portion of which may be carried forward from year to year.

Payment to teacher in case of family affliction etc.

361. The board, in its discretion, may pay the salary of a teacher for any day during which he is absent from school by reason of family affliction or other cause deemed sufficient by the board.

Leave of absence of teacher in case of pregnancy

362. (1) Notwithstanding section 360 the board may require a teacher who is pregnant to take leave of absence with or without salary for such period as it may direct.

(2) The Chief Superintendent of Schools, on the appeal of a teacher who has been required to take leave of absence without salary under subsection (1), may modify the period of this leave of absence to such extent as he, in his discretion, may determine.

Leave of absence of teacher

363. (1) The board of a district or division in its discretion may grant a teacher leave of absence for a period not exceeding one year for the purpose of improving his professional qualifications, for reasons of health, or for other reasons acceptable to the board.

(2) Leave of absence granted under subsection (1) may be extended once for a period not exceeding one year.

(3) During leave of absence under this section the board may pay the teacher all or a part of his salary.

Notification to teacher re leave

(4) When notifying the teacher that leave of absence has been granted, the board shall state that the leave is,—

- (a) from a particular position; or
- (b) from the staff of the district or division.

(5) Notwithstanding section 368, if leave of absence is granted from the staff, the granting and acceptance of the leave shall terminate any designation which the teacher has received under section 367, but the teacher, on his return to the staff is entitled to a position equivalent in terms of salary to that which he held at the time of taking leave.

Right of teacher to payment after termination of contract

364. (1) A teacher, whose contract with a board has expired or has been terminated, or who has been dismissed summarily by the board shall be entitled, on submission of such reports and returns as may be required by the Department, to receive forthwith all moneys due him for his services as a teacher while employed by the board.

(2) If payment is not made or tendered to the teacher by the board, he shall be entitled to recover the full amount of his salary due and unpaid with interest at the rate of six per cent per annum in any court of competent jurisdiction.

Duties and Powers of Teachers.

- 365.** (1) A teacher shall,—
- (a) teach diligently and faithfully all the subjects required to be taught by the regulations of the Department; Teacher shall,—
teach subjects required
 - (b) maintain proper order and discipline; maintain order,
 - (c) conduct and manage the school according to the regulations of the Department; conduct school properly
 - (d) keep a time-table showing the daily instructional program of the school; keep time-table
 - (e) keep the school registers in the prescribed form and give access to them to trustees, officers of the board, inspectors and any other person authorized by the Minister to inspect them; keep school registers
 - (f) report to the attendance officer of the district or of the division in which the school is situated,—
 - (i) the names, ages and residences of all pupils on the school register who have not attended school as required by Part XIV, together with such other information as the attendance officer may require; report attendance
 - (ii) every case of suspension or expulsion from school;
 - (g) make at the end of each term or at any other time such promotions from one grade to another as he may deem expedient, subject to the approval of the principal and the ratification of the inspector or superintendent; make promotions
 - (h) admit to his classroom for the purpose of observation and practice teaching students enrolled in the Faculty of Education and their instructors, and give them any assistance requested by the instructors; admit students for practice teaching
 - (i) send to the parents or guardians of each pupil, at such times as may be required by the board, a report on the pupil's attendance, conduct, and progress; send report to parents
 - (j) take an interest in the cleanliness and tidiness of the school grounds, and encourage the observance of Arbour Day by holding suitable exercises, and by co-operating with trustees and parents in planting trees and shrubs about the school; encourage observance of Arbour Day
 - (k) give strict attention to the proper heating, ventilation, and cleanliness of the school and to the condition of the out-houses in connection with it, and report to the board any defect with respect thereto; give attention to heating and cleanliness

- report necessary repairs
- (l) report to the secretary or other officer of the board any necessary repairs to the school buildings or furniture and any requirements of fuel, drinking water, furniture, or equipment;
- prevent unnecessary damage to school property
- (m) exercise vigilance over the school property, and the school buildings, fences, furniture, and apparatus, to prevent unnecessary damage and give prompt notice in writing to the board of any damage;
- notify secretary of pupil exposed to contagious disease
- (n) notify the secretary of the board and the local health authority whenever he has reason to believe that a 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;
- exclude pupil affected by contagious disease
- (o) exclude from school any pupil affected by or exposed to or suspected of being affected by or exposed to infectious or contagious disease 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 is ended; 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 is apparently ended; or
- (iii) the teacher, in the case of a pupil affected with impetigo, pediculosis, pinkeye, scabies, or ringworm, is satisfied that adequate treatment is being carried out;
- assist board in making returns
- (p) assist the board and its officers in making the prescribed returns to the Department;
- furnish required information to Minister
- (q) furnish on request to the Minister, the inspector of schools, the board, or any person authorized by the Minister, any information which it may be in his power to give respecting anything connected with the operation of the school or in any wise affecting its interests or character;
- deliver up school property
- (r) deliver up the school registers, school building keys or any other property of the board in his possession when required to do so by a written order of the board;
- attend meetings
- (s) attend all meetings of the teachers called by the principal where more than one teacher is employed;
- conduct patriotic exercises
- (t) conduct such patriotic exercises at such times and places and in such manner as the board may direct.
- (2) In the case of a teacher employed by a division, the board referred to in subsection (1) shall be the board of the division.

(3) Notwithstanding subsection (2) the board of a division may direct the teacher in writing that with respect to any specified clause in subsection (1) 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 division, and thereupon the teacher shall perform his duty in compliance with the direction.

Direction to teacher by divisional board

(4) No board shall require a teacher to perform janitor services or any services or duties other than those set out in this section.

Services not to be required of teacher

366. (1) A teacher may suspend from a class or from school a pupil who is guilty of open opposition to authority, wilful disobedience, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school.

Teacher may suspend pupil

(2) The teacher shall report any suspension immediately to the principal if in a graded school.

Teacher to report suspension of pupil

(3) The principal of the school, or the teacher in the event of there being no principal, shall,—

Contents and delivery of report of suspension of pupil

(a) prepare forthwith a written report of the suspension setting out all the circumstances; and

(b) send the report,—

(i) to the board by which the teacher is employed; and

(ii) to the superintendent, if any; and

(iii) to the attendance officer.

(4) The board may take such action as it deems necessary with regard thereto.

Principals, Vice-Principals, and Assistant Principals

367. (1) In a school where there are two or more teachers the board,—

Principal and vice-principal

(a) shall designate one teacher to be principal of the school; and

(b) may designate one or more teachers to be vice-principals or assistant principals.

(2) In a school where there are eight or more teachers the board shall designate one or more teachers to be vice-principals or assistant principals.

(3) In computing the number of teachers, a person teaching less than two and one-half days per week in the school shall not be counted.

Computing number of teachers

368. (1) If a teacher is designated to be a principal, vice-principal or assistant principal of a school, the designation shall remain in effect until terminated.

Termination of designation as principal, vice-principal or assistant principal

(2) The designation may be terminated,—

(a) by the board passing a resolution terminating the designation and giving at least thirty days' notice in writing to the designee; or

(b) by the designee giving at least thirty days' notice in writing to the board.

(3) No notice shall be given effective in any month other than July unless the consent of the Minister to a notice effective at some other time has first been obtained.

(4) A notice effective in the month of July shall be given before the preceding fifteenth day of June.

Request by teacher for hearing on termination of designation

369. (1) If a teacher receives a notice of termination of designation effective in the month of July he may, within seven days of the receipt of the notice, request in writing a hearing before the board.

(2) If a hearing is requested, the board, within fourteen days of the receipt of the request, shall provide an opportunity for the teacher to appear before the board or a committee thereof to hear the reasons for the withdrawal of the designation and to reply thereto.

Investigation by Minister as to withdrawal of designation of teacher

(3) If the teacher 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 an investigation to be made and who may in his discretion confirm or disallow the termination of the designation.

Effect of termination of contract on designation

370. (1) The termination of the contract of a teacher also terminates his designation, if any, under section 367.

(2) The termination of designation under section 368 does not terminate the contract of the teacher.

Duties of principal

371. (1) Subject to the approval of the board, the principal shall,—

- (a) allocate the duties of the teachers of his school; and
- (b) be responsible for the organization and general discipline of his school.

Principal's report to board or superintendent

(2) The principal shall report to the board or the superintendent,—

- (a) upon the organization and operation of his school whenever the board or the superintendent requests him to do so;
- (b) whenever, in his opinion, conditions or circumstances warrant their being informed.

Teachers' Associations.

Teachers may organize association

372. Any number of teachers may organize themselves into an association, and subject to the regulations of the Department, may hold conventions and institutes for the purposes of receiving instruction in and discussing educational matters.

PART XIII.

THE CONDUCT OF SCHOOLS.

Interpretation.

373. In this Part, unless the context otherwise requires, "board" "board" means the board of a division or of a non-divisional district.

School Year and School Hours.

374. (1) The period beginning on the first day of July in any year and ending on the thirtieth day of June in the following year shall be known as the school year. Limits of school year

(2) 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. Terms

375. (1) School shall be held from nine o'clock until twelve o'clock in the forenoon, and, at the discretion of the board, either from half-past one o'clock until four o'clock or from one o'clock until half-past three o'clock in the afternoon. School hours

(2) The board may alter the hours of opening and closing in a school, or shorten the school hours, upon receiving the permission in writing of the Minister.

376. (1) A recess of fifteen minutes both in the forenoon and in the afternoon shall be allowed the children attending school. Recess

(2) Notwithstanding subsection (1) a board operating a departmentalized high school may authorize the principal to shorten or to eliminate either or both of the recesses.

377. (1) Every school shall operate continuously throughout the school year from an opening date on or about the first day of September except,— Continuous operation of school

(a) on holidays provided for in this Act; and

(b) during Christmas and Easter vacations; and

(c) during periods in which the school is closed under section 381.

(2) The board shall set the opening date in each school year, and in doing so shall provide, as nearly as may be, for two hundred operating days in that school year. School opening date

Vacations and Holidays.

378. (1) The Christmas vacation shall extend from the twenty-fourth day of December to the second day of January both inclusive. Christmas vacation

Easter
vacation

(2) The Easter vacation shall be the four days immediately following Easter Monday.

Operation
of school
during
July and
August
Easter
vacation

379. (1) The Minister may allow a board to keep its school in operation during a specified period between the end of one school year and the opening date of the next.

(2) A board by mutual agreement with a teacher may arrange for the operation of his school during all or part of the Easter vacation.

Operating
days

(3) Any days on which a school is operated under this section shall be operating days for all the purposes of this Act.

Statutory
and
proclaimed
holidays

380. (1) Saturday, Sunday, Good Friday, Easter Monday, the twenty-fourth of May, or when that day falls upon a Sunday, the twenty-fifth day of May, Labour Day, Thanksgiving Day, Remembrance Day, and any day proclaimed as a holiday by the Governor General in Council, the Lieutenant Governor in Council or the council of a city or town, shall be holidays.

Holidays
declared
by board

(2) A board may declare,—

(a) Ash Wednesday;

(b) the birthday or the day fixed by Proclamation for the celebration of the birthday of the reigning sovereign; and

(c) the day, commonly known as Arbour Day, appointed by Proclamation as a public holiday for the planting of forest or other trees;

to be a holiday.

Holidays
which board
may permit

(3) A board in its discretion may permit other holidays, not exceeding one day in a month, and not exceeding one day at a time.

Holiday
declared by
Lieutenant
Governor

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

Board may
close school

381. A board of trustees by resolution may close a school for such period as may be approved by the Minister.

Language to be Used.

Language
to be used
in school

382. All schools shall be taught in the English language.

Primary
course in
French

383. (1) Notwithstanding section 382 the board of a district may cause a primary course to be taught in the French language.

(2) If the board of a divisional district passes a resolution requiring that a primary course in French be given in a school in that district and transmits the resolution to the board of the division not later than the first day of August, the division shall cause a primary course to be taught in the French language in that school.

(3) If the board that passes a resolution under subsection (2) nominates a teacher and transmits the nomination to the board of the division not later than the first day of August, the board of the division shall appoint the teacher nominated by the board of the district to the school of that district if that teacher enters into a contract.

Appointment by division of teacher nominated by district requiring primary course in French

384. A board, subject to the regulations of the Department, may employ one or more competent persons to give instruction in a language other than English to all pupils whose parents or guardians have signified a willingness that they should receive the same.

Instruction in language other than English

(2) The course of instruction shall not supersede or in any way interfere with the instruction required by the regulations of the Department and by this Act and given by the teacher in charge of the school.

(3) The board shall collect,—

- (a) such sums of money as may be necessary to pay the salaries of the instructors; and
- (b) all costs, charges and expenses of such a course of instruction;

Expense of language instruction payable by parents

from the parents or guardians of the pupils who take advantage of the instruction.

Patriotic Instruction.

385. (1) The board of a non-divisional district and of a division shall,—

School flag

- (a) erect and maintain on each of its school grounds a flag pole with all requisite attachments for raising and lowering a flag; and
- (b) furnish a flag for each school not less than four feet long and not less than two feet wide; and
- (c) have the flag displayed from the flag pole upon all days that may be prescribed by regulation of the Department and when not so displayed, have it hung upon the wall inside the school.

(2) When the board directs that the flag shall be saluted, this exercise shall be conducted in such manner as the board prescribes, subject to the provisions of subsection (3).

Conduct of flag salute

(3) A pupil whose parent or guardian presents to the principal a written statement setting forth that he or she is a member of a religious organization the tenets of which forbid or are opposed to its members saluting the flag, shall not be required to participate in the saluting of the flag further than to come to attention and to remain standing silently and at attention while the salute is being given in the manner prescribed.

Other
patriotic
exercises

386. Other patriotic exercises may be conducted at such times and places and in such manner as the board directs.

Religious Instruction.

Scripture
reading and
Lord's
Prayer

387. (1) All schools shall be opened by the reading, without explanation or comment, of a passage of scripture to be selected from those prescribed or approved for that purpose by the Minister, followed by the recitation of the Lord's Prayer.

(2) Notwithstanding subsection (1), a board, by resolution, may dispense with the scripture reading or the recitation of the Lord's Prayer or both.

Time for
religious
instruction

388. (1) No religious instruction shall be permitted in a school from the opening of the school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or required by resolution of the board may be given.

(2) Notwithstanding subsection (1), in a high school providing departmentalized instruction religious instruction may be given to each class for a period not exceeding one-half hour per day, at such time or times as may be approved by the board and the inspector of high schools.

Religious
instruction
in divisional
district

389. (1) In a divisional district, the powers vested in the board under sections 387 and 388 shall be exercised by the board of the district and not by the board of the division.

Appointment
by division
of teacher
nominated
by district
requiring
religious
instructions

(2) If the board of a divisional district that passes a resolution under section 388 providing for religious instruction nominates a teacher and transmits the nomination to the board of the division not later than the first day of August, the board of the division shall appoint the teacher nominated by the board of the district to the school of that district if that teacher enters into a contract.

Withdrawal
from
religious
instruction

390. A child may leave the school room at the time at which religious instruction is commenced or may remain without taking part in the religious instruction given if the parents or guardians so desire.

Withdrawal
from
religious
instruction
not to
deprive
pupil of
advantage
of ordinary
education

391. (1) No teacher, school trustee, inspector or superintendent, shall attempt in any way to deprive a child who attends a school in which religious instruction is given and who does not take part in that instruction, of any advantage that he or she might derive from the ordinary education given in the school.

(2) Any such attempt on the part of any teacher, trustee, inspector or superintendent, shall be held to be a disqualification for and voidance of the position or office held by him.

Kindergarten Classes.

392. (1) A board may establish kindergarten classes in a school to teach and train children between the ages of four and six years according to kindergarten methods and may make regulations concerning the operation of these classes. Establishing kindergarten classes

(2) The board may charge a fee for kindergarten classes not exceeding two dollars per month for each pupil, on account of the cost of maintaining the classes.

393. Where kindergarten classes are conducted,—

(a) in a school under the direction of a board; or

(b) in any other place under the direction of any other person or persons;

Qualified teacher required for kindergarten classes

no person shall be engaged or employed to teach and train the children in such classes unless he holds qualifications approved by the Minister.

Night Classes.

394. (1) The board of a non-divisional district or of a division may appoint a teacher and make the necessary arrangements at the expense of the district or division for the maintenance of a night school. Night school permitted

(2) If an inspector or superintendent of schools recommends the establishment of a night school in a district and the board operating the school therein has failed to establish a night school, the Minister may direct the board to open and maintain a night school in the district for such period as he determines. Night school required if recommended by inspector

(3) If the night school is kept open for at least one month, the board may charge a pupil a fee not exceeding three dollars for each month or portion of a month in which he is in attendance. Night school fees

(4) A board maintaining a technical school or special classes in the vocational or technical electives of the junior and senior high school or other approved vocational courses may charge such fees for night classes as may be approved by the Minister.

PART XIV.

SCHOOL ATTENDANCE.

Compulsory Attendance.

Compulsory
school
attendance

395. (1) A child who has attained the full age of seven years and who has not yet attained the full age of fifteen years, unless excused for any of the reasons hereinafter mentioned, shall attend the school which he has the right to attend or which he is directed to attend whenever it is in operation.

(2) If a child attains the full age of fifteen years at any time during the June term, he shall continue in attendance at school until the end of that term.

Liability
of legal
custodian
for school
attendance
of pupil

396. (1) When a child resides with or is under the care or in the legal custody of some person other than his parents, that person, during the continuance of the residence, care or custody shall be subject to all the duties and liable to all the penalties imposed upon parents by this Part.

(2) Notwithstanding subsection (1) the natural parents of the child are not relieved of their duties under this Part.

Exemptions.

When child
excused
from school
attendance

397. (1) A child shall be excused from attendance at school if,—

- (a) an inspector certifies in writing that the child is under efficient instruction at home or elsewhere;
- (b) the child is unable to attend by reason of sickness or other unavoidable cause;
- (c) the child is under eight years of age and the distance of his residence from the school as computed under the provisions of section 312, is more than two and one-half miles;
- (d) there is not sufficient accommodation in the school;
- (e) the child has passed the Grade IX examination of the Department or has completed a course which gives him an equivalent standing;
- (f) the child is absent on a day regarded as a holy day by the church or religious denomination to which the child belongs.

(2) Clause (c) of subsection (1) shall not apply to pupils for whom conveyance has been provided in accordance with the provisions of this Act.

Exemption
in special
cases

398. (1) In a special case, if it appears to be in the interest of a child that he should be excused from attendance at school, the Chief Attendance Officer, after consultation with the child's parent or guardian, and upon the written recommendation of the school principal, indorsed by the superintendent or inspector of schools, may excuse the child from attendance for such period as he may direct.

(2) The Chief Attendance Officer shall notify the board forthwith of any action taken pursuant to this section.

Employment of School-Age Children.

399. No person shall employ a child required to attend school under this Part during school hours while the school which the child has the right to attend or which he is directed to attend is in operation unless the child has a valid exemption from attendance.

Employment
of school-age
children
prohibited

400. (1) When the services of a child are required,—

- (a) in husbandry; or
- (b) in urgent and necessary household duties; or
- (c) for the necessary maintenance of the child or of some person dependent upon him;

Application
for cer-
tificate of
exemption
when
services of
school-age
child
required

the parent or guardian of the child may apply for a certificate exempting the child from attendance at school.

(2) The application shall be made in writing to a justice of the peace, police magistrate, judge of the juvenile court, inspector of schools or the principal of the school attended by the child, who may issue a certificate,—

- (a) exempting the child from attendance at school for any period not exceeding six weeks during each term; and
- (b) setting forth the reason therefor.

Attendance Officers.

401. (1) The Chief Superintendent of Schools or such other person as may be appointed by the Minister shall be the Chief Attendance Officer, with jurisdiction in all parts of the Province.

Chief
Attendance
Officer

(2) Each inspector shall be an attendance officer for the area of his inspectorate.

Inspector is
attendance
officer

(3) The Minister may,—

- (a) appoint such additional attendance officers as may be required for the enforcement of this Part; and
- (b) provide for the remuneration of attendance officers either by the district or division affected or by the Department; and
- (c) make regulations for the direction of attendance officers and for the enforcement of this Part.

Appoint-
ment of
attendance
officer by
Minister

402. (1) The board of a district or division operating a school or schools in a city, town or village district in which the total enrolment of pupils resident in the district is at least three hundred shall appoint and pay an attendance officer for that district.

When
board
required
to appoint
attendance
officer

(2) The board of a non-divisional town or city district to which subsection (1) does not apply may appoint, control and pay one or more attendance officers for the enforcement of this Part within the district.

Notice of
appointment
of attend-
ance officer

(3) Notice of an appointment under this section shall be given in writing to the Department forthwith.

(4) If any board that is required to appoint an attendance officer fails to do so prior to the first day of October in any year, the Minister may appoint an attendance officer, and fix the remuneration which shall be paid by the district or division affected.

(5) The Minister shall give notice of the appointment in writing to the board.

Attendance
regulations

403. A board, subject to the Minister's approval, may make rules not inconsistent with the provisions of this Part, for the direction of the attendance officer and for the enforcement of this Part.

Right of
entry of
attendance
officer

404. An attendance officer, for the purposes of this Part, shall have the powers of a peace officer and may enter theatres, playhouses, places of public entertainment and amusement, factories, workshops, stores, shops and all other places where children may be found or employed and may perform such duties as may be necessary for the enforcement of this Part.

Enforcement of Compulsory Attendance.

Power of
attendance
officer

405. (1) An attendance officer may send a child suspected of truancy either home or to school and may accompany him thereto if deemed necessary.

Duty of
attendance
officer to
institute
proceedings

(2) An attendance officer shall institute, or cause to be instituted, proceedings against any person violating any of the provisions of this Part.

Procedure
of attend-
ance officer
in cases of
violation

406. (1) An attendance officer shall examine all cases of possible violation of this Part which may come within his knowledge, or be brought to his attention.

(2) Except as hereinafter provided, if a child is not complying with a provision of this Part the attendance officer shall warn one of the parents, the guardian or the person having the care or legal custody of the child by a warning notice in writing in the form prescribed by the Minister.

Service of
warning
notice

(3) The warning notice may be served by mailing a postpaid, registered letter, addressed to the parent, guardian, or person having the care or legal custody of the child.

(4) The production of an affidavit of the person posting the letter in the form prescribed by the Minister to which,—

(a) the registration receipt from the post office where the letter was registered; and

(b) a copy of the warning notice; are attached and marked as exhibits, shall be *prima facie* proof that the notice was received by the person to whom it was addressed within four days after the posting and registration of the same.

407. (1) A parent, guardian or other person, having the care or legal custody of a child shall, within five days from his receipt of the warning notice, cause the child to attend school and continue in regular attendance thereat, unless the child is excused from attendance under this Part.

Responsibility of parent or guardian on receipt of warning notice

(2) If any person has been served with a warning notice it shall not be necessary within the same school year to serve that person with another warning notice because of further non-compliance with any provision of this Part.

(3) If a person who has been served with a warning notice in a school year fails to cause the child to whom the notice related or any other child of whom he has charge or control as aforesaid to attend school and continue in regular attendance thereat as required by this Part throughout that school year, such person shall be guilty of a violation of this section.

408. An attendance officer may lay an information under this Part before a justice of the peace or a police magistrate.

Information laid by attendance officer

409. The person serving the summons shall be entitled to the sum of ten cents for every mile necessarily travelled to serve the same and to return.

Payment for serving summons

410. Upon the trial of a complaint under this Part,—

Trial of complaint

- (a) the affidavit of service of the warning notice; and
- (b) the school register containing the entries showing the absence from school of the child on the days specified in the information or complaint;

shall be admissible in evidence and shall constitute *prima facie* proof of the commission of an offence under section 407.

411. Where a person is charged with an offence under this Part in respect of a child who is alleged to be within the ages set forth in section 395, and the child appears to the court to be within such ages, the child, for the purposes of this Part, shall be deemed to be within such ages until the contrary is proved.

Proof of age of child

412. The justice of the peace or police magistrate trying a complaint under this Part, instead of imposing a penalty,

Bond as alternative to penalty

may require a person convicted of an offence under this Part to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by him, conditioned that the person convicted shall after the expiration of five days cause the child to attend school as required by this Part.

Attendance
at separate
or public
school

413. Nothing in this Part shall be held to require the child of a resident of a separate school district to attend a public school or to require the child of a resident of a public school district to attend a separate school.

PART XV.

PENALTIES AND MISCELLANEOUS PROVISIONS.

Offences and Penalties.

Penalty
for false
declaration

414. Everyone who makes or signs a declaration at a first or other school meeting or at a poll as to his qualifications to take part in the meeting or to vote without being qualified to do so shall be guilty of an offence and liable on summary conviction to a penalty of not more than ten dollars and costs.

Penalty
for voting
on debenture
by-law
when not
qualified

415. A person other than a proprietary elector who casts a vote at a poll on a debenture by-law shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars and costs.

Penalty for
false state-
ment by
company or
co-operative
association

416. (1) A false statement made in any notice given by a company or co-operative association under section 288 shall not relieve the company or co-operative association from taxes.

(2) Any company or co-operative association fraudulently giving notice or making a false statement therein shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars, and any person giving for a company or co-operative association such a notice who fraudulently or wilfully inserts in the notice a false statement shall be guilty of an offence, and liable on summary conviction to a like penalty.

Liability
of trustee
for non-
fulfilment
of contract

417. A trustee who wilfully neglects or refuses to assist in the exercise of all the corporate powers vested in a board by this Act for the fulfilment of a contract or agreement made by it shall be personally liable for damages for the nonfulfilment of the contract or agreement.

418. (1) In any case where,—

- (a) the board of a district or division has wilfully entered into a contract on behalf of the district or division, which is not authorized by this Act or whereby the district or division has incurred any liability in excess of the liability which it is authorized to incur by this Act; or
- (b) the board of a district or division has wilfully appropriated any of the moneys of the district or division for purposes other than those which are authorized by this Act;

Liability
of trustee
for entering
unauthorized
contract or
misap-
propriation
of moneys

each trustee who has been a party to entering into the contract or to making the appropriation shall be liable to pay to the district or division all sums of money for the payment of which the district or division has been made liable to the extent that such liability is not authorized by this Act and to pay any moneys which have been appropriated as aforesaid.

(2) Any action for the recovery of money payable to the district or division under subsection (1) may be brought in any court of competent jurisdiction in the name of the board by the treasurer or by any person authorized by the Minister to bring the same.

Recovery
of moneys
for district
or division

419. If a board acquires a site for a school building in contravention of the provisions of section 215, any trustee who has not voted against the resolution of the board for the acquisition shall be guilty of an offence and liable on summary conviction on information laid by the Minister or by an elector of the district to a penalty of not more than one hundred dollars and costs.

Penalty for
unlawful
acquisition
of site

420. (1) Any person who teaches without qualifications in violation of section 330, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars.

Penalty for
teaching
when not
qualified

(2) Any board which knowingly employs as a teacher an unqualified person in violation of section 330, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars.

Penalty for
employing
unqualified
person

(3) No prosecution shall be instituted under subsection (2) without the consent of the Minister.

421. In any case where the board of a district or division refuses, neglects or fails to perform a duty imposed upon the board by this Act, each trustee shall be guilty of an offence, and liable on summary conviction to a penalty of not more than one hundred dollars and costs unless he proves to the satisfaction of the court,—

Liability
of board
for non-
performance
of duties

- (a) that he actively urged the performance of the duty; and
- (b) that the non-performance of the duty was not due to his act or omission.

Penalty for false record or statement

422. (1) A trustee who knowingly signs a false report, or a teacher who keeps a school register falsely in violation of the regulations of the Department or knowingly makes a false return shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars and costs.

(2) A person who subscribes to a statement, declaration, return or other document required by this Act and therein wilfully and knowingly makes a false statement, shall be guilty of an offence, and liable on summary conviction to a penalty of not more than twenty-five dollars and costs.

Penalty for refusal to surrender property of district or division

423. (1) A trustee or an officer or employee of a district or division who, after ceasing to hold office, refuses to surrender any money, book, paper, or thing belonging to the district or division, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding twenty dollars for each day during which he retains possession of the money, book, paper or thing after having received notice in writing from the chairman of the board or from the Minister requiring him to deposit the same in the hands of a person designated in the notice.

(2) A trustee, officer, or employee of a divisional district, who, while holding office or after ceasing to hold office, refuses to surrender any money, book, paper or thing belonging to the division by virtue of the provisions of section 25, shall thereby incur a penalty not exceeding twenty dollars for each day during which he retains possession of the money, book, paper or thing after having received notice in writing from the chairman of the board of the division or from the Minister requiring him to deposit the same in the hands of a person designated in the notice.

Auditor liable to penalty

424. An auditor who fails to comply with any provision of section 206 or 207 shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars.

Penalty for failure of officer or employee to perform duties

425. An officer or employee of a district or division who refuses, neglects or fails to perform a duty imposed on him by this Act shall be guilty of an offence and, if no other penalty for his refusal, neglect or failure is prescribed by this Act, liable on summary conviction to a penalty of not more than fifty dollars.

Penalty for failure of any person to perform duties

426. A person required by this Act or the regulations made hereunder to,—

- (a) furnish any information; or

- (b) make a return or statement in writing; or
- (c) perform any act or duty;

who refuses or neglects to do so shall be guilty of an offence and liable on summary conviction to a penalty of not more than fifty dollars.

427. A person acting under the provisions of this Act as returning officer or chairman, or in any other official capacity at the election of a trustee for a district or division, or at the taking of a poll for any other purpose, who,—

- (a) knowingly and wilfully prevents a lawful vote from being polled or permits an unlawful vote to be polled; or
- (b) who prejudices the result of any voting by altering returns or books in any way or by any other means;

shall be guilty of an offence and liable on summary conviction to a penalty of not more than one hundred dollars and costs.

428. A person who wilfully disturbs, interrupts or disquiets the proceedings of a school meeting authorized by this Act, or who wilfully disturbs, interrupts or disquiets a school established and conducted under its authority, by rude or indecent behaviour or by making a noise either within the place where the school is conducted or adjacent thereto, shall be guilty of an offence and liable on summary conviction to a penalty of not more than twenty dollars and costs.

429. (1) No person shall canvass on school premises or offer to sell goods or merchandise to a teacher on school premises.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and liable upon summary conviction to a penalty of not more than twenty-five dollars and costs.

430. A person who employs a child in contravention of section 399 shall be guilty of an offence and liable on summary conviction to a penalty not exceeding twenty dollars for each offence.

431. A parent, guardian or other person having the care or legal custody of a child who violates section 407 shall be guilty of an offence and liable on summary conviction to a penalty not exceeding,—

- (a) ten dollars for a first offence;
- (b) twenty-five dollars for a second offence; and
- (c) fifty dollars for a third and every subsequent offence;

and in default of payment to imprisonment for a term not exceeding ten days.

Election
official
liable to
penalty

Penalty for
disturbing
school or
school
meeting

Canvassing
on school
premises,
prohibited

Penalty for
canvassing
on school
premises

Penalty for
employing
school-age
child

Penalties
for non-
compliance
with warning
notice re
attendance

Penalty for violation of Part XIV

432. Every person charged with the duty of enforcing any provision of Part XIV who neglects to perform the duty imposed upon him shall be guilty of an offence and liable on summary conviction to a penalty not exceeding ten dollars for each offence.

General penalty provision

433. Any person who violates any of the provisions of this Act shall be guilty of an offence and if no other penalty is prescribed, liable on summary conviction to a fine of not more than twenty-five dollars and costs.

Executions Against Districts and Divisions.

Enforcement of judgment against district or division

434. (1) A judgment against or order for the payment of money by a district or division shall be enforceable by means of a writ of execution and not otherwise.

(2) No proceedings to enforce any such writ of execution shall be taken or continued without the consent of the Board of Public Utility Commissioners.

(3) None of the provisions of Rules 550 to 565 inclusive of the Rules of the Supreme Court of Alberta, and none of the provisions of sections 5, 6, 7 and 8 of *The Execution Creditors Act* shall apply to an action brought against a district or division.

Indorsement on writ of execution

435. (1) A writ of execution against the board of a district or division may be indorsed with a direction to the sheriff to cause the amount to be levied by taxation in default of payment.

Statement to accompany writ of execution

(2) The sheriff shall deliver a copy of the writ and indorsement to the secretary of the district or division or leave the copy at his office or dwelling house together with a statement in writing setting out,—

(a) the sheriff's fees; and

(b) the amount required to satisfy the execution, including the amount of interest calculated to a day as near as is convenient to the day of service.

Duties of sheriff on failure to satisfy writ of execution

436. In the case of a division or of a district other than a district that collects its own taxes, if the total of the amounts contained in the statement referred to in section 435, subsection (2) together with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall,—

(a) obtain from the secretary of the district or division a copy of the last certificate of assessment received from each municipality contained in whole or in part within the district or division;

(b) estimate the total levy required to pay the total of the amounts contained in the statement together with such additional amounts as he deems sufficient

to cover the interest and his own fees up to the time when the total levy will probably be paid to him.

(2) The sheriff shall determine the amount payable by each municipality by apportioning the total levy among the municipalities in proportion to the values shown on the certificates of assessment.

(3) The sheriff shall thereupon issue a precept under his hand and seal of office, directed to the treasurer of each municipality,—

- (a) reciting the writ and that the board has neglected to satisfy the same; and
- (b) commanding the treasurer to levy and collect the amount payable by that municipality.

437. The treasurer of each municipality shall,—

- (a) levy and collect the amount designated in the precept in the same manner as if it were a requisition received from the district or division; and
- (b) pay the said amount to the sheriff.

Levy and collection to satisfy writ of execution

438. (1) In the case of a district that collects its own taxes, if the total of the amounts contained in the statement referred to in section 435, subsection (2) together with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall estimate the total levy required to pay the total of the amounts contained in the statement together with such additional amounts as he deems sufficient to cover the interest and his own fees up to the time when the total levy will probably be paid to him.

Failure by collecting district to satisfy writ of execution

(2) The sheriff shall issue a precept under his hand and seal of office directed to the treasurer of the district,—

- (a) reciting the writ and that the board has neglected to satisfy the same; and
- (b) commanding the treasurer to levy and collect the total levy estimated under subsection (1).

(3) The treasurer shall,—

- (a) add the amount designated in the precept to the taxes to be collected by the district;
- (b) pay the said amount to the sheriff.

439. The sheriff, after satisfying the execution including interest and paying all fees thereon shall return any surplus to the treasurers of the municipalities in proportion to the values shown on their respective certificates of assessment, or to the treasurer of the school district that collected the taxes, as the case may be.

Disposition of surplus after satisfying writ

Treasurer of
municipality
or district
deemed
officer of
court

440. (1) The treasurer of a municipality or of a district that collects its own taxes for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to an execution shall be deemed to be an officer of the court out of which the writ issued, and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel him to perform the duties hereby imposed upon him.

When sheriff
vested with
power to levy

(2) In case of the absence of the treasurer and the refusal or neglect of the council of the municipality or the board of the district, as the case may be, to appoint some other person in his place, or in case of the refusal or neglect of the treasurer to comply with any of the provisions of sections 436 to 438 inclusive, the sheriff, upon application to a judge of the Supreme Court, may be vested with full power and authority to levy, collect and enforce payment in the same manner as the treasurer is authorized to do, of such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses, including such allowance for the costs, levy, collection and enforcement of payment as the judge may allow.

Orders and Proclamations.

Minister
may,—
prescribe
forms

441. The Minister by order may,—

make
regulations

- (a) prescribe such forms as he deems necessary for the purpose of carrying out the provisions of this Act;
- (b) make regulations governing procedure to be followed in respect of any proceeding or thing authorized by this Act where the express provisions of this Act in his opinion are insufficient or inapplicable.

Order to
be published
in *Alberta
Gazette*

(2) Any order of the Minister prescribing forms or making regulations shall be published in *The Alberta Gazette*.

Order not
invalid
by reason
of non-
compliance
with
prerequisites

442. (1) No order purporting to be made under this Act and being within the powers hereby conferred shall be deemed invalid on account of a non-compliance with any of the matters hereby required as preliminary to the order.

(2) No misnomer, inaccurate description or omission in an order shall in any way suspend or impair the operation of this Act with respect to the matter misnamed, misdescribed or omitted.

Correction
of order or
proclamation

443. A misdescription or other error in an order made by the Minister, or in an order made or proclamation issued by the Lieutenant Governor in Council, under the provisions of this Act or any Act respecting schools in force in the Province at any time, may be corrected and confirmed as corrected as of the date on which it was made or issued by a subsequent order of the Minister or a subsequent order or proclamation of the Lieutenant Governor as the case may be.

444. In an order under this Act the Minister may provide that it shall not take effect until some future date named therein, within one year from the date of the order.

Effective date of ministerial order

Miscellaneous Provisions.

445. (1) An elector of a district or division, at all reasonable times, may inspect the minutes, as adopted, of any board meeting and any by-law, contract, or account of the board of that district or division.

Inspection of documents by elector

(2) An elector may demand a copy of any such minutes, by-law, contract, or account and the secretary shall furnish the same within a reasonable time upon payment therefor at the rate of twenty-five cents for the first one hundred words or fraction thereof and ten cents for each additional one hundred words.

Elector may demand copy of document

446. The board of a district or division, and each officer and teacher of the board shall be deemed to be a public officer for all the purposes of *The Public Authorities Protection Act*.

Application of *The Public Authorities Protection Act*

447. The parent or guardian of a pupil shall produce the birth certificate of the pupil at the request of the teacher.

Production of birth certificate

448. Notwithstanding anything herein contained, women shall be upon an absolute equality with and have the same rights and privileges, and be subject to the same penalties and disabilities as men, under this Act.

Men and women have equal rights and privileges

449. (1) Wherever in *The City Act* there are any provisions governing referendum, recalls, or the taking of plebiscites, such provisions shall apply in so far as they may be made applicable to the trustees and to the business of the board of the district concerned.

Application of *The City Act*

(2) If a plebiscite is held or a referendum taken or a recall demanded at any time other than the date of the general municipal election, the expenses of the plebiscite, recall or referendum shall be borne by the school board affected thereby.

450. (1) The following enactments are hereby repealed,—

Statutes repealed

- (a) *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942;
- (b) *The School Taxation Act*, being chapter 176 of the Revised Statutes of Alberta, 1942; and
- (c) *The School Attendance Act*, being chapter 178 of the Revised Statutes of Alberta, 1942.

(2) Notwithstanding the repeal of *The School Taxation Act*, a notice given by a company or by the board of a separate school district under section 32 of that Act allocating the assessment or school taxes of the company shall continue in force until a new notice is given pursuant to sections 288 and 289 of this Act.

Coming
into force

451. This Act shall come into force on the first day of July, 1952.

No. 44.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act Respecting Schools.

Received and read the

First time

Second time.....

Third time.....

HON. MR. CASEY.
