

Bill No. 91 of 1954

A BILL TO AMEND THE SCHOOL ACT, 1952

NOTE

This Bill amends *The School Act, 1952*, being chapter 80 of the Statutes of Alberta, 1952.

Section 2 is amended to bring clauses (f), (o) and (p) into conformity with the formation of counties under *The County Act*.

Section 23 is amended by adding new subsections (5) and (6). Subsection (5) provides that the Minister by order may establish a school division comprising all school districts contained within the outer boundaries of Local Improvement District No. 10. The purpose of this amendment is to enable the Minister to implement a recommendation of the Coterminous Boundaries Commission. Subsection (6) is to the effect that the Minister in the order may provide that two trustees be elected to the board from one or more subdivisions and shall provide for the terms of office of the trustees so elected.

Section 52 is amended by adding a new subsection (3). The new subsection (3) provides that an inspector of schools or a representative of the Minister is entitled to take part in the first school meeting of the electors of a proposed district or of a district established by the Minister but is not entitled to vote at the meeting.

Section 72 is amended. Subsections (1) and (2) provide for the holding of the annual meeting of the electors between the first day of February and the fourteenth day of February inclusive, or if it cannot be held in that time then on any later date that the Minister approves or sets. The subsections are amended for the purpose of enabling an audited statement for the year to be presented to the meeting. Subsections (6) and (7) are removed.

Section 73 is amended. Subsection (3), clauses (b), (c) and (g) are relettered. Clause (d) provides for the submission of the budget for the year covered by the auditor's report. Clauses (e) and (f) are removed. Subsection (5) is replaced by a new subsection (5) which provides if an election is to be held, that each nominee is permitted to make a brief statement to the meeting. Subsection (6) is removed. Subsection (7) is renumbered as subsection (6).

A new section 74a is added which is a transfer from *The Department of Education Act*. Subsection (1) provides that the Minister may appoint an official trustee to conduct the affairs of any district or division. Subsection (2) provides that when an official trustee is appointed for a district the

board of that district ceases to hold office. Subsection (3) provides that an official trustee may hold office until the date of the organization meeting of a board elected pursuant to an order of the Minister. Subsection (4) provides that where an official trusteeship in a division is to be terminated the Minister by order may fix the days, times and places for the receipt of nominations for the office of trustee and for the holding of any necessary election.

Section 77 is amended. Subsection (2) is struck out and a new subsection (2) is substituted which provides that three trustees shall be elected for terms of three years, two years and one year with terms of office for each trustee elected being determined by section 117, subsection (3). Subsection (4) is amended for the purpose of providing that the term of office of a trustee who has been elected to take the place of a trustee whose term of office has expired be three years instead of two years as previously provided.

Section 80 is amended by replacing subsections (2) and (3) with new subsections (2) and (3). Subsection (2) provides that if the board consists of three trustees the term of office of each trustee is to be three years, two years and one year respectively. Subsection (3) provides that the terms of office of the three trustees elected are to be determined in accordance with section 117, subsection (3).

Section 84 is replaced by a new section 84. Subsection (1) provides that when the board of a school division provides for the attendance of pupils residing in two or more districts at one school operated by the board, the Minister by order may direct that one board of trustees be elected for all the districts and may determine a place and date for the election and the name of the new board. Subsection (2) provides that the boards of all the districts named in the order made pursuant to subsection (1) cease to hold office on the date of the election of the new board. Subsection (3) provides that the districts named in the order under subsection (1) shall be deemed to comprise a consolidated school district for the purpose of determining the constitution of the new board, manner of electing the board and the terms of office of the trustees elected to the board. Subsection (4) limits the number of trustees to be elected to the board to seven. Subsection (5) directs the secretary of the district where the school is located to conduct the election of the board. Subsection (6) directs the divisional board, if the school is located in a non-divisional district, to require the secretary of one of the adjoining districts to conduct the election. Subsection (7) provides that if the school attended by the pupils is located in a district that has been included in a division by virtue of an agreement under section 32, only the trustees resident in the district constitute the board of that district in the making of any alteration in the agreement. Subsection (8) provides that all orders made before the first of July, 1954,

concerning the constitution of boards for divisional districts having centralized schools are cancelled and boards elected under such orders cease to hold office on the date of the election of a new board under this section.

Section 85, subsection (2) is amended to permit a postponement of the filling of a vacancy on the board as provided by Part IV.

Section 88, subsection (7) is amended to correct a typographical error.

Section 96 is amended to bring it into line with the amendment to section 77.

Section 97 is replaced by a new section 97. The new section provides that the term of office of a replacing trustee in a town or city district is the same as that of a councillor or alderman under *The Town and Village Act, 1952*, or *The City Act*.

Section 105 is amended by striking out clause (d).

Section 106 is amended by striking out clause (e).

Section 115 is amended to provide that the nomination or election of trustees in a town or city district named in an order under section 84 is to be conducted in the manner prescribed for a consolidated district.

Section 132 is amended. Subsection (1) provides for all nominations for divisional trustees instead of providing for only nominations to a first board. Subsection (2) is amended for clarification purposes. Subsection (3) is a new subsection which provides that the secretary of the division is to receive nominations for the office of trustee until the fifteenth day of January. Subsections (4) and (5) are new subsections which provide for the posting of notices calling for nominations. Subsection (6) is a new subsection which provides for the delivery of nomination and acceptance forms to the secretary of each district. The old subsection (3) is renumbered as subsection (7).

Section 136, subsection (2) is amended to provide for the holding of an annual election in a subdivision between the fifteenth day of February and the twenty-first day of February. Subsection (3) is removed.

Section 153 is amended for the purpose of permitting in a town or city district the election of a trustee to fill a vacancy in the same manner as an election to fill a vacancy on the council of the town or city.

Section 162, subsection (1) is amended to provide that organization meetings of the board be held on or before the fifteenth day of March.

Section 174, subsection (4), clause (a) is amended to increase from eight to ten dollars per day the payment to each trustee attending each meeting of the board.

Section 177 is amended to empower the board to determine under what conditions pupils under six years of age are to be admitted at the beginning of the school year and under what conditions a pupil is to be admitted during the school year to Grade I.

Section 178, subsection (1) is amended by adding a new clause (g) which in effect provides that the board of a non-divisional district may make a grant to an organization or agency which provides instruction with the approval of the Chief Superintendent of Schools for pupils of subnormal mentality or other handicap who cannot be educated in the schools of the district or division.

Section 180 is amended by adding a new clause (d) to the effect that the board may operate pupil traffic patrols at street intersections in the vicinity of any of its schools.

Section 189, subsection (1) is amended to increase the *per diem* allowance to divisional trustees from eight dollars to ten dollars and to allow the payment of not more than ten cents per mile for every mile travelled in the performance of their work as a trustee.

Section 211, clause (b) is amended by requiring the board in the disposal of any land, building or vehicle to obtain prior approval of the Minister.

Section 212, subsections (2) and (3) are amended to enable the board with the approval of the Minister not only to acquire a site for a school building but also to acquire an addition to a site.

Section 223, subsection (1) is amended by adding a new clause (bb) to enable school boards to build or purchase teacherages under the National Housing Plan.

Section 225 is amended to remove the requirement of having plans and specifications respecting structural alterations of a school building approved by the Department.

Section 226 is struck out and a new section 226 is substituted which requires that no structural alteration of a school building is to be made until the alteration has been approved by the Department. The deletion results in certain city districts being required to submit plans of schools to the Department for approval.

A new section 227a is added for the purpose of requiring a board to refer to its proprietary electors any proposed capital expenditure which exceeds the limits laid down and which is to be financed, in whole or in part by any method other than by debenture borrowing and for the purpose of ensuring that the Department will receive information corresponding to that received by the Board of Public Utility Commissioners with respect to proposed debenture borrowings.

Section 236, subsection (3) is amended by replacing clause (b) with a new clause (b) which provides for the publication of a notice of intention by a town or city district to apply for authority for debenture borrowing by inserting the notice in three issues of a daily newspaper in the district, and if there is no daily newspaper in the district then in one issue of a newspaper, if any, published in the district and in three issues of a daily newspaper published in Alberta and circulating in the district.

Section 237 is amended to provide that the notice required under section 236 need not be given and a poll is not required in a division if the total amount of the borrowings of the division do not exceed one hundred thousand dollars or one and one-half per cent of the total assessed value of the division, whichever is the less. Previously the amount was sixty thousand dollars or one per cent of the total assessed value of the division, whichever is the less.

Section 283, subsection (1), clause (c) is amended to limit its application to land in a municipality held under a homestead lease. A new clause (cc) is added to provide a means of determining the nominal value of land in a municipality held under a grazing lease. Clause (e) provides that in a special area the nominal value per quarter section for homestead and grazing leases is to be set annually.

Section 285, subsection (1) is amended to make this subsection apply also to consolidated districts. Subsection (3) is amended to bring it into line with the amendment to subsection (1).

Section 288 is amended by adding a new subsection (4) for the purpose of providing for the division between public schools and separate schools of the assessment of a corporation incorporated under *The Societies Act*.

Section 296, subsection (1) is amended to bring it into line with the amendments to section 283.

Section 297, subsection (1) is amended to provide that the divisional board is to prepare and adopt a detailed estimate of expenditures for the current year on or before the thirty-first day of March instead of the fifteenth day of March.

Section 301 is amended by adding a new subsection (1a) which provides that if the municipality has not received the requisition of the board on the fifteenth day of March, the municipality is to make a payment on account to the board based on the requisitions of previous years.

Section 306 is amended to provide that two boards may, with the approval of the Minister, enter into an agreement whereby one board provides conveyance for pupils residing in a district or division under the jurisdiction of the other board.

Section 307 is amended by removing clause (c) to make the obligation to convey pupils independent of the relation between residence and district boundaries.

Section 320, subsection (3) is amended to limit the application of the subsection to a grade above Grade IX. A

new subsection (4) is added for the purpose of requiring the board to pay tuition fees for a handicapped pupil attending a special class of an approved type not offered by the board.

Section 342, subsection (2) is amended by removing clause (d) to bring the section into line with the amendment to section 356.

Section 351, subsection (3) is amended for the purpose of clarification.

A new section 351a is added which provides for the withdrawal of an application to refer a dispute between the board and a teacher to the Board of Reference.

Section 352, subsection (1) is amended for the purpose of making the provisions thereof subject to section 351a.

Section 356 is amended. Subsection (2) provides that the salaries of temporary teachers are to be covered specifically or otherwise by the salary schedule and makes the salary schedule applicable to all teachers except substitute teachers. A new subsection (7) is added for the purpose of providing that when a district changes from a divisional district to a non-divisional district, the teachers are under contract to the board of the non-divisional district.

Section 357 is amended by removing subsections (3), (4) and (5).

Section 358, subsection (1) is amended to provide for the payment of teachers on the last teaching day of every calendar month except August rather than on the last day of every calendar month and on the last day of July when there are no teaching days in that month, otherwise the provisions with respect to July and August are unchanged.

Section 359, subsection (4) is amended. Clause (c) provides that an order closing a school shall be made under *The Public Health Act*. The effect of this amendment is to extend the scope of authority making it unnecessary to refer specifically to medical practitioners and public health nurses. Clause (d) is amended to obviate an obscurity by making clear the exclusion of Thanksgiving Day as a day on which a teacher is deemed to have taught.

Section 360, subsection (3) is amended to remove a conflict and to clarify the meaning.

Section 371, subsection (1) is amended to avoid a possible conflict with section 199, clause (b).

Section 399 is amended for the purpose of making employment of a child subject to the provisions of *The Alberta Labour Act*.

This Bill comes into force on the 1st day of July, 1954.

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. 91 of 1954

An Act to amend The School Act, 1952

(Assented to _____, 1954)

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

1. *The School Act, 1952*, being chapter 80 of the Statutes of Alberta, 1952, is hereby amended.

2. Section 2 is amended

Section 2
amended

- (a) by adding at the end of clause (f) the words "or in a county";
- (b) by adding immediately after the words "municipal district," where they occur in clause (o) the word "county,";
- (c) by adding at the end of clause (p) the words "or in a county".

3. Section 23 is amended by adding immediately after subsection (4) the following new subsections:

Section 23
amended

"(5) Notwithstanding subsection (1) the Minister by order may establish a school division comprising all school districts in the area contained within the outer boundaries of Local Improvement District No. 10.

Establish-
ment of
school
division in
L.I.D. 10

"(6) The Minister in the order referred to in subsection (5)

Constitution
of board

"(a) may provide that one or more subdivisions be represented by two trustees on the board of the division, and

"(b) shall provide for the terms of office of the trustees to be so elected."

4. Section 52 is amended by adding immediately after subsection (2) the following new subsection:

Section 52
amended

"(3) Notwithstanding subsection (2), an inspector of schools or other duly authorized representative of the Minister is entitled to take part in the meeting, but is not entitled to vote thereat."

5. Section 72 is amended

Section 72
amended

- (a) by striking out the words "between the first day of November and the fifteenth day of December

inclusive" where they occur in subsection (1) and by substituting the words "between the first day of February and the fourteenth day of February inclusive";

(b) by striking out the words "the fifteenth day of December" where they occur in subsection (2) and by substituting the words "the fourteenth day of February";

(c) by striking out subsections (6) and (7).

Section 73
amended

6. Section 73 is amended

(a) as to subsection (3)

(i) by relettering clause (b) as clause (c);

(ii) by relettering clause (c) as clause (b);

(iii) by adding at the end of clause (d) the words "and the budget adopted by the board for the year covered by the auditor's report";

(iv) by striking out clauses (e) and (f);

(v) by relettering clause (g) as clause (e);

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

Statement
of nominee

"(5) If an election is to be held, each nominee shall be permitted to make a brief statement to the meeting.";

(c) by striking out subsection (6);

(d) by renumbering subsection (7) as subsection (6).

New
section 74a

7. The following new section is added immediately after section 74:

Official
trustee

"74a. (1) The Minister may appoint an official trustee to conduct the affairs of any district or division

"(a) who has the powers and duties conferred by this Act upon a board and its officers, and

"(b) who shall be remunerated out of the funds of the district or division or otherwise as the Lieutenant Governor in Council may determine.

"(2) Upon the appointment of an official trustee the board, if any, of the district or division for which he is appointed ceases to hold office as such.

Term of
office of
official
trustee

"(3) An official trustee may hold office until the date of the organization meeting of a board elected pursuant to an order of the Minister.

Fixation of
time, etc.,
for receipt
of nomina-
tions

"(4) Where an official trusteeship in a division is to be terminated, the Minister by order may fix the days, times and places

"(a) for the receipt of nominations for the office of trustee for each subdivision, and

"(b) for the holding of any necessary election."

Section 77
amended

8. Section 77 is amended

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

“(2) At the next election of trustees after the making of the order, three trustees shall be elected for terms of three years, two years and one year respectively, and the terms of office of the trustees elected shall be determined in accordance with subsection (3) of section 117.”;

Terms of office of trustees

- (b) by striking out the words “two years” where they occur in subsection (4) and by substituting the words “three years”.

9. Section 80 is amended by striking out subsections (2) and (3) and by substituting the following:

Section 80 amended

“(2) If the board has consisted of three trustees, three trustees shall be elected for terms of three years, two years and one year respectively.

“(3) The terms of office of the three trustees elected pursuant to subsection (2) shall be determined in accordance with subsection (3) of section 117.”.

10. Section 84 is struck out and the following is substituted:

Section 84 amended

“**84.** (1) Notwithstanding any other provisions of this Act, when the board of a school division provides for the attendance of the pupils residing in two or more districts at one school operated by the board, the Minister by order

Ministerial order where pupils in two or more districts attend one school

“(a) may direct that one board of trustees only is to be elected for all the districts, and

“(b) may determine

“(i) a place for the election of the board, and

“(ii) a date on or before which the election is to be held, and

“(iii) the name of the new board.

“(2) When an order has been made pursuant to subsection (1) the boards of all the districts named therein cease to hold office on the date of the election of the new board.

“(3) Subject to subsection (4), the districts named in the order referred to in subsection (1) shall be deemed to comprise a consolidated school district for the purpose of determining

Consolidated district procedures to be followed

“(a) the constitution of the new board of trustees,

“(b) the manner of electing the board of trustees, and

“(c) the terms of office of the trustees elected to the board.

“(4) If the application of subsection (3) will result in a board of more than seven trustees, the order referred to in subsection (1)

Restriction of number of trustees

“(a) shall restrict the number of trustees to seven, and

“(b) shall provide for the grouping of two or more of the rural districts named in the order for the purpose of electing one trustee for each such group of districts.

- Conduct of election by secretary “(5) The secretary of the district in which the school attended by the pupils is located shall conduct the election of the new board.
- “ (6) If the school attended by the pupils is located in a non-divisional district, the divisional board shall require the secretary of one of the adjoining districts to conduct the election.
- Procedure regarding inclusion agreement, if any “(7) 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
- “(a) the trustee or trustees resident in the district shall be deemed to be the board of that district with respect to the making of any alteration in the agreement, and
- “(b) the trustee or trustees not resident in the district have no powers with respect to any such alteration.
- Cancellation of orders “(8) All orders made before the first day of July, 1954, concerning the constitution of boards for divisional districts having centralized schools are hereby cancelled, and every board elected in accordance with any such order ceases to hold office on the date of the election of a new board held in accordance with an order made under this section.”.
- Section 85 amended **11.** Section 85, subsection (2) is amended by striking out the word “The” and by substituting the words “Subject to Part IV the”.
- Section 88 amended **12.** Section 88, subsection (7) is amended by striking out the words “to receive” and by substituting the words “from receiving”.
- Section 96 amended **13.** Section 96 is amended by striking out the words “section 77, subsection (4) and”.
- Section 97 amended **14.** Section 97 is struck out and the following is substituted:
- Term of office of replacing trustee in town or city district **“97.** In a town or city district, except as provided in subsection (2) of section 80, the term of office of each trustee elected to take the place of a trustee whose term of office has expired is the same as that of a councillor or alderman under *The Town and Village Act, 1952*, or *The City Act*, whichever is the case.”.
- Section 105 amended **15.** Section 105 is amended by striking out clause (d).
- Section 106 amended **16.** Section 106 is amended by striking out clause (c).
- Section 115 amended **17.** Section 115 is amended
- (a) by striking out the words “as nearly as may be”;
- (b) by striking out the word “village” and by substituting the word “consolidated”.
- Section 132 amended **18.** Section 132 is amended

- (a) as to subsection (1)
 - (i) by striking out the words "For the election of a first board in a division, nominations" and by substituting the word "Nominations";
 - (ii) by striking out the words "for each subdivision";
- (b) as to subsection (2) by striking out the word "The" and by substituting the words "For the election of a first board the";
- (c) by adding immediately after subsection (2) the following new subsections:
 - "(3) For any subsequent annual election of a board the secretary of the division shall receive at his office until five o'clock in the afternoon on the fifteenth day of January, nominations for the office of trustee in each subdivision in which an election is to be held. Nominations for trustee received by secretary
 - "(4) The notice referred to in subsection (1) shall be given on or before the thirty-first day of December by means of posting copies of the notice Notice
 - "(i) in each operating school within the subdivision or subdivisions in which an election is to be held, and
 - "(ii) in a conspicuous place near each post office within the subdivision or subdivisions, and
 - "(iii) 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 call for nominations by using any of the methods set forth in clauses (a), (b) and (c) of subsection (5) of section 72.
 - "(6) On or before the thirty-first day of December the secretary of the division shall deliver or cause to be delivered at least two copies of the nomination form and the acceptance form referred to in section 133 to the secretary of each district in each subdivision in which an election is to be held." Delivery of nomination and acceptance forms to secretaries of districts
- (d) by renumbering the present subsection (3) as subsection (7).

19. Section 136 is amended

Section 136
amended

- (a) as to subsection (2)
 - (i) by adding immediately after the word "subsequent" the word "annual";
 - (ii) by striking out the words "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" and by substituting the words "on the day fixed by the board between the fifteenth day of February and the

twenty-first day of February inclusive and at the time and place fixed by the board”;

(b) by striking out subsection (3).

Section 153 amended **20.** Section 153 is amended by striking out the words “for the annual election of trustees in that district” and by substituting the words “for the election to fill a vacancy on the council of the town or city, whichever might be the case”.

Section 162 amended **21.** Section 162, subsection (1) is amended by striking out the words “tenth day of February” and by substituting the words “fifteenth day of March”.

Section 174 amended **22.** Section 174, subsection (4), clause (a) is amended by striking out the word “eight” and by substituting the word “ten”.

Section 177 amended **23.** Section 177 is amended

- (a) by striking out the words “and determine under what conditions pupils who at that date have not attained the full age of six years may be admitted” where they occur in clause (c) ;
- (b) by striking out clause (d) and by substituting the following:
 - “(d) determine under which conditions pupils not yet six years of age are to be admitted at the beginning of the school year,
 - “(e) subject to an appeal to the Chief Superintendent of Schools, determine the conditions under which a pupil is to be admitted during the school year to Grade I in any school of the district or division.”.

Section 178 amended **24.** Section 178, subsection (1) is amended by adding immediately after clause (f) the following new clause:

- “(g) make a grant to an organization or agency which provides instruction with the approval of the Chief Superintendent of Schools for pupils of subnormal mentality or other handicap who cannot be educated in the schools of the district or division.”.

Section 180 amended **25.** Section 180 is amended by adding immediately after clause (c) the following new clause:

- “(d) operate pupil traffic patrols at street intersections in the vicinity of any of its schools, but if any such patrol is operated, the board
 - “(i) shall effect and keep in force a policy or policies of insurance indemnifying the board and its employees against liability imposed by law upon the board and its employees in respect of any claim for damages resulting from bodily injury to or death of any person or

resulting from loss or damage to property arising from the operation of the patrol,

“(ii) shall effect and keep in force a policy or policies of accident insurance insuring every pupil against injury sustained while carrying out duties imposed on him as a member of the patrol, and

“(iii) shall exempt from duty on the patrol any pupil whose parent indicates in writing to the board, or to the principal, his unwillingness to have the pupil serve thereon.”.

26. Section 189, subsection (1) is amended Section 189
amended

- (a) by striking out the word “eight” and by substituting the word “ten”;
- (b) by adding immediately after the words “within the division” the words “together with an allowance of not more than ten cents per mile for every mile necessarily travelled in performing that work”.

27. Section 211, clause (b) is amended by striking out the words “with the approval of the Minister” and by substituting the words “but the disposal of any land, building or vehicle is subject to prior approval of the Minister”. Section 211
amended

28. Section 212 is amended Section 212
amended

- (a) as to subsection (2) by adding immediately after the word “site” the words “or an addition to a site”;
- (b) as to subsection (3)
 - (i) by adding immediately after the words “acquisition of a site” the words “or of an addition to a site”;
 - (ii) by adding immediately after the words “location of the site” the words “or of the addition to the site, whichever is the case”.

29. Section 223, subsection (1) is amended by adding immediately after clause (b) the following new clause: Section 223
amended

“(bb) enter into contracts and make expenditures for the erection or acquisition of a teacherage under the *National Housing Act, 1954, (Canada)*”.

30. Section 225 is amended by striking out the words “or structural alteration of”. Section 225
amended

31. Section 266 is struck out and the following is substituted: Section 226
amended

“**226.** No structural alteration of a school building shall be made until the alteration has been approved by the Department.”. Approval of
alteration
to school
building

32. The following new section is added immediately after section 227: New
section 227a

- Notice of intention to erect or purchase building
- “227a.** (1) Where the board of a non-divisional district or of a division proposes to erect or purchase a school building
- “(a) if the estimated cost of erection or the purchase price, as the case may be, exceeds one hundred thousand dollars or one and one-half per cent of the total assessed value of the district or division, whichever is the lesser, and
- “(b) if the method of financing the erection or purchase does not require the notice mentioned in section 236, the board shall give notice of its intention to erect or purchase the building.
- “(2) The notice need not be given if the building is the first school to be erected in the district.
- Estimated cost of erection of building
- “(3) For purposes of this section, the estimated cost of erection of a building shall be the cost estimated by the architect employed or consulted by the board, and this estimate shall be incorporated in a minute of the board.
- Form of notice
- “(4) The notice shall be in the form prescribed by the Minister.
- “(5) The board shall give the notice in the manner prescribed in subsection (3) of section 236.
- Poll of electors
- “(6) A poll of the proprietary electors of the district or division may be demanded under the conditions set out in section 238.
- “(7) All the provisions of Part VIII concerning the conduct of a poll on a debenture by-law shall apply to a poll conducted under this section.
- “(8) The Board
- “(a) shall transmit forthwith to the Department
- “(i) copies of the notice given under subsection (1), and
- “(ii) copies of any demand received under subsection (6), and
- “(b) shall advise the Department promptly of the outcome of any poll conducted under subsection (7).”.
- Section 236 amended
- 33.** Section 236, subsection (3) is amended by striking out clause (b) and by substituting the following:
- “(b) in a town or city district by printing a copy of the notice in at least three issues of a daily newspaper published within the limits of the district, and if there is no daily newspaper published within the district, then in one issue of a newspaper, if any, published in the district and in three issues of a daily newspaper published in Alberta and circulating in the district.”.
- Section 237 amended
- 34.** Section 237 is amended by striking out the words “sixty thousand dollars or one per cent” and by substituting the words “one hundred thousand dollars or one and one-half per cent”.

35. Section 283, subsection (1) is amended Section 283
amended

- (a) by adding immediately after the word "under" where it occurs in clause (c) the word "homestead";
- (b) by adding immediately after clause (c) the following new clause:

"(cc) 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 grazing lease as provided by *The Public Lands Act*, which nominal value shall be determined by multiplying three hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year,";

- (c) by adding immediately after the word "set" where it occurs in clause (d) the word "annually";
- (d) by adding immediately after clause (d) the following new clause:

"(e) 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 grazing lease from the Special Areas Board, which nominal value shall be determined by multiplying an amount to be set annually 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."

36. Section 285 is amended Section 285
amended

- (a) by adding immediately after the word "district" where it occurs in subsection (1) the words "or consolidated district";
- (b) by adding immediately after the words "village district" where they occur in subsection (3) the words "or consolidated district".

37. Section 288 is amended by adding immediately after subsection (3) the following new subsection: Section 288
amended

"(4) In the notice, if any, given by a corporation incorporated under *The Societies Act*, the percentage of the property of the corporation designated as assessable for separate school purposes shall be the percentage which would be used under subsection (3) if the corporation were a co-operative association."

38. Section 296, subsection (1) is amended Section 296
amended

- (a) by adding immediately after the word "under" where it occurs in clause (c) the word "homestead";
- (b) by adding immediately after clause (c) the following new clause:

“(cc) 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 grazing lease as provided by *The Public Lands Act*, which nominal value shall be determined by multiplying three hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year.”;

(c) by adding immediately after the word “set” where it occurs in clause (d) the word “annually”;

(d) by adding immediately after clause (d) the following new clause:

“(e) 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 grazing lease from the Special Areas Board, which nominal value shall be determined by multiplying an amount to be set annually 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.”.

Section 297
amended

39. Section 297, subsection (1) is amended by striking out the word “fifteenth” and by substituting the word “thirty-first”.

Section 301
amended

40. Section 301 is amended by adding immediately after subsection (1) the following new subsection:

“(1a) If a municipality has not received the requisition of the board of a district or division on the fifteenth day of March, the municipality shall make a payment on account to that board based on the requisitions of previous years.”.

Section 306
amended

41. Section 306 is amended

(a) by renumbering the section as subsection (1);

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

“(2) Subject to the approval of the Minister two boards may enter into an agreement whereby one board provides conveyance for pupils residing in a district or division under the jurisdiction of the other board.”.

Agreement
for convey-
ance of
pupils

Section 307
amended

42. Section 307 is amended by striking out clause (c).

Section 320
amended

43. Section 320 is amended

(a) by striking out the words “high school grade” where they occur in subsection (3) and by substituting the words “grade above Grade IX”;

- (b) by adding immediately after subsection (3) the following new subsection:

“(4) Subject to an appeal to the Chief Superintendent of Schools, fees chargeable as the result of the attendance of a pupil

“(a) who is mentally retarded, or

“(b) who has any defect of hearing or eyesight, or

“(c) who has any other handicap,

in a special class approved by the Department shall be payable by the board of the non-divisional district or division, in which the parent or guardian of the pupil resides, unless that board is operating such a class in a school which the pupil might reasonably be expected to attend.”.

- 44.** Section 342, subsection (2) is amended by striking out clause (d). Section 342
amended

- 45.** Section 351, subsection (3) is amended Section 351
amended

(a) by adding immediately after the word “any” the word “school”;

(b) by striking out clause (a) and by substituting the following:

“(a) within twenty days of the giving of the notice of termination of the contract to the applicant,”;

(c) as to clause (b)

(i) by striking out the word “arises” and by substituting the words “is stated in writing”;

(ii) by striking out the word “received” and by substituting the word “given”.

- 46.** The following new section is added immediately after section 351: New
section 351a

“**351a.** If prior to the investigation of a dispute by the Board of Reference the party making application, or his agent, requests of the Minister that the application be withdrawn, the Minister Withdrawal
of appli-
cation

“(a) shall not refer the dispute to the Board, or

“(b) if the application has already been referred to the Board, shall advise the Board of the withdrawal, and no hearing or investigation shall be required.”.

- 47.** Section 352, subsection (1) is amended by striking out the word “Upon” and by substituting the words “Subject to section 351a upon”. Section 352
amended

- 48.** Section 356 is amended Section 356
amended

(a) as to subsection (2)

(i) by striking out the words “under a contract of employment made pursuant to section 331” where they occur in clause (a) and by substituting the words “except substitute teachers”;

(ii) by striking out clause (c) and by substituting the following:

“(c) may deal specifically with temporary teachers.”;

(b) by adding immediately after subsection (6) the following new subsection:

“(7) When a district changes from a divisional district to a non-divisional district

“(a) every teacher employed in the school of the district which has changed from a divisional district to a non-divisional district is under contract to the board of the non-divisional district, and

“(b) the schedule of the division continues in effect with respect to any such teacher until the effective commencement date of a new schedule that has been adopted by the board of the non-divisional district pursuant to subsection (1).”.

Section 357
amended

49. Section 357 is amended by striking out subsections (3), (4) and (5).

Section 358
amended

50. Section 358, subsection (1) is amended by striking out the words “during the month, at the end of each calendar month except August” and by substituting the following:

“during the month

“(a) on the last teaching day of every calendar month except August, and

“(b) on the last day of July when there are no teaching days in that month.”.

Section 359
amended

51. Section 359, subsection (4) is amended

(a) as to clause (c) by striking out the words “by order of a qualified medical practitioner or a public health nurse employed by the Department of Public Health” and by substituting the words “by an order made pursuant to *The Public Health Act*”;

(b) as to clause (d) by striking out the words “proclaimed or declared” and by substituting the words “other than Thanksgiving Day proclaimed or declared”.

Section 360
amended

52. Section 360, subsection (3) is amended

(a) by adding immediately before the word “bearing” the words “not to exceed the number of days he might be absent for the reasons set out in subsection (1)”;

(b) by striking out the words “bears to two hundred” and by substituting the words “bears to one hundred and eighty”.

53. Section 371, subsection (1) is amended by adding ^{Section 371} immediately after the word "principal" the words "in consultation with the superintendent" ^{amended}.

54. Section 399 is amended by adding immediately after ^{Section 399} the word "attendance" the words "and any such employment" ^{amended} is subject to the provisions of *The Alberta Labour Act*.

55. This Act comes into force on the first day of July, ^{Coming into} 1954. ^{force}

No. 91

SECOND SESSION
TWELFTH LEGISLATURE
3 ELIZABETH II
1954

BILL

An Act to amend The School Act,
1952

Received and read the

First time

Second time

Third time

HON. MR. AALBORG
