

Bill No. 80 of 1955

A BILL TO AMEND THE SCHOOL ACT, 1952

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NOTE

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

In section 2 the word "owner" is re-defined to give it the same meaning as in *The Assessment Act*.

Section 44 is amended. Clause (c) which required the Provincial Treasurer to deal with certain funds as though they were funds under *The Educational Tax Act*, is revised because the Act mentioned therein has now been repealed.

Section 72, subsection (3) is amended to remove the requirement that a joint annual meeting of subdivisions acquire the approval of the Minister before being held.

Section 84 is amended. A new subsection (4a) is added to permit a grouping of rural districts so as to effect a board of trustees of less than seven members. This provision applies in the situation where pupils residing in two or more districts attend one school operated by the school division and a single board is ordered for these districts.

A new subsection is added to section 99.

Section 100 is amended, and section 101 is repealed to enable a trustee elected to the board of a school division to take office as soon as he is elected instead of waiting until the next organization meeting of the board. In consequence of these amendments subsection (2) of section 150 is struck out, and a new subsection substituted.

Section 155, clause (b), subclause (ii) is amended to remove reference to nominations that are no longer received at annual meetings and to bring the requirement of the subclause in line with existing practice.

Section 174 is amended to increase certain payments permitted to be made to a trustee. The amount that may be paid to a trustee of a rural, village, consolidated or town district for attending a meeting is increased from three to four dollars. By amendments to sections 174 and 189 the mileage allowance that may be paid to divisional trustees is increased from ten to twelve cents a mile.

Section 180 is amended to make the taking out of insurance to cover loss, damage or injury caused or injury sustained by a member of a pupil traffic patrol optional rather than obligatory.

Section 186, clause (e) is amended to increase the amount that may be paid to a trustee of a divisional board for his expenses in attending the meeting of a council of a municipality to the same maximum as applies to attendance at board meetings.

Section 200 is amended by the addition of subsections empowering a district board employing a superintendent to fix the conditions of his employment, set forth his duties and to terminate his employment and suspend his performance of duties.

Section 211, clause (b) now requires that any disposal of any vehicle of the district be subject to the approval of the Minister. This restriction is removed by the amendment but still applies to disposal of "land or buildings".

Section 227 is amended by striking out subsection (2) and adding three new subsections to make the section conform to existing practice. The new subsections provide that a school board must submit tenders received for the erection of a school building to the Department of Education, and receive the Minister's approval before accepting any tender. The board must then obtain the Minister's final approval to the formal written contract, which without such approval is invalid. To avoid delay the contract may be signed before the Minister's approval is obtained; as the Act stands at present the Minister's approval has to be obtained first.

Section 283, subsection (2) is amended to change the deadline for adoption of budgets by non-divisional districts from the fifteenth to the thirty-first day of March of each year.

Section 292 is amended. A new subsection (4) is added to permit a company with no shareholders of the religious persuasion of a separate school district to give notice of this fact, and thereby avoid assessment for separate school purposes even though the separate school board may have given notice requiring part of the company's assessment to be allocated for separate school purposes. As the Act now stands, there is some uncertainty as to the rights of a company in that position.

Section 306 is amended to empower a board of trustees to assist a parent to maintain a child away from home if the child has to stay away from home in order to attend school. This power is supplementary to the duty to provide such assistance in certain cases as prescribed by section 308, but is subject to the same maximum rate of \$1.25 a day.

A new subsection is added to section 321. The section provides that a divisional or district board which has entered into an agreement with another board for the provision of tuition to the former board's pupils, is liable to pay the fees for any pupil who attends a different school. The new section transfers the liability for the fees to the child's parent if conveyance is being provided by the board.

A new section 331a is added to prevent a teacher who is or has been on strike from entering into a contract of employment with another board, unless the board involved in the strike consents.

A new subsection is added to section 339 to require a teacher who enters into a contract of employment with another board to tender his resignation within eight days of doing so. This new provision, however, is subject to the other requirements of the Act that at least thirty days' notice must be given; that the resignation may only take effect in July or August; and that if it takes effect in August it must be given before July 15th.

Section 371 is amended. A new subsection (3) empowers a board to regulate the duties of principals and vice-principals provided there is no conflict with the Act.

A new section 447a is added to make it clear that a pupil who has passed the age of compulsory attendance may continue to attend school until he is twenty-one provided he does so to receive instruction approved by the Department of Education.

This Bill comes into force upon assent except that the amendment to section 283 is retroactive to the 1st day of January, 1955.

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. 80 of 1955

An Act to amend The School Act, 1952

(Assented to \_\_\_\_\_, 1955)

**H**ER 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 by striking out clause (q) and by substituting the following:  
“(q) ‘owner’ means an owner within the meaning of *The Assessment Act*,”. Section 2  
amended  
“owner”
3. Section 44 is amended by striking out clause (c) and by substituting the following:  
“(c) to the Provincial Treasurer to be deposited by him in the School Lands Trust Fund;”. Section 44  
amended
4. Section 72, subsection (3) is amended by striking out the words “and subject to the approval of the Minister”. Section 72  
amended
5. Section 84 is amended Section 84  
amended
  - (a) as to subsection (3) by adding immediately after the word and figure “subsection (4)” the words and figure “and subsection (4a)”,
  - (b) by adding immediately after subsection (4) the following new subsection:  
“(4a) On the application of the board of the school division but subject to the approval of the Minister thereto, the order referred to in subsection (1) may, for the purpose of restricting the total number of trustees to a number less than seven, provide for a grouping of two or more of the rural districts named in the order.”.
6. Section 99 is amended by adding immediately after subsection (2) the following new subsection: Section 99  
amended  
“(3) The successor to any member of the first board of a division shall, except in the case of a vacancy requiring an earlier election, be elected at the annual election in the year in which the term of office of the retiring member is due to expire, and such term of office shall conclude on the day the new trustee is elected.”.

- Section 100  
amended      **7.** Section 100 is amended by striking out the words “from the date of the next organization meeting of the board”.
- Section 101  
repealed      **8.** Section 101 is repealed.
- Section 150  
amended      **9.** Section 150 is amended  
     (a) as to subsection (1) by striking out the words “, if any,”  
     (b) by striking out subsection (2) and by substituting the following:  
         “(2) If a vacancy occurs and the election to fill it is, in accordance with the following provisions of this Act, to be held at the next annual election, and if an election would in any event be held at that annual election due to the expiration of the term of office of the former trustee, the trustee elected shall hold office for the regular term.”.
- Section 155  
amended      **10.** Section 155, clause (b), subclause (ii) is amended by striking out the words “the date of the meeting of the board held for the purpose of fixing the dates for holding 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” and by substituting the words “the giving of notice concerning receipt of nominations for annual elections, the vacancy shall be filled at the next annual election of trustees”.
- Section 174  
amended      **11.** Section 174 is amended  
     (a) as to subsection (2), clause (a) by striking out the word “three” and by substituting the word “four”,  
     (b) as to subsection (4), clause (a) by striking out the words “ten cents” and by substituting the words “twelve cents”.
- Section 180  
amended      **12.** Section 180, clause (d) is amended  
     (a) by striking out the word “but” and by substituting the word “and”,  
     (b) by striking out the word “shall” where it occurs in subclauses (i) and (ii) and by substituting the word “may”.
- Section 186  
amended      **13.** Section 186, clause (e) is amended  
     (a) by striking out the word “eight” and by substituting the word “ten”,  
     (b) by striking out the word “ten” and by substituting the word “twelve”.
- Section 189  
amended      **14.** Section 189, subsection (1) is amended by striking out the words “ten cents” and by substituting the words “twelve cents”.

**15. Section 200 is amended**Section 200  
amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after subsection (1) the following new subsections:

“(2) The board shall appoint the superintendent by a motion of the board, which shall set forth the conditions of his employment.

“(3) The board may terminate the appointment of a superintendent at any time by a motion of the board but the motion shall not take effect until at least thirty days after notice of the passing thereof has been given to the superintendent.

“(4) Notwithstanding subsection (3), the board may, at any time after the passing of the motion terminating the appointment, suspend the superintendent from the performance of his duties.

“(5) The board employing a superintendent may prescribe a set of instructions to be followed by the superintendent in the performance of his duties, if the instructions are not contrary to the provisions of this or any other Act.”.

**16. Section 211, clause (b) is amended by striking out the words “, building or vehicle” and by substituting the words “or building”.**

Section 211  
amended**17. Section 227 is amended**Section 227  
amended

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

“(2) The board shall submit to the Department the tender or tenders which it wishes to accept, together with such information concerning the other tenders received as the Minister may require.

“(2a) The board shall not accept a tender until the Minister has given his approval thereto.

“(2b) Subject to subsections (2) and (2a), a contract for the construction of a school building or for the purchase of a building to be used for school purposes may be entered into or signed by the trustees subject to the Minister giving his approval thereto.”,

- (b) as to subsection (3)
  - (i) by striking out the words “such contract” and by substituting the words “a contract for the erection or construction of a school building or for the purchase of a building to be used for school purposes”,
  - (ii) by striking out the words “under subsection (2)” and by substituting the words “by the Minister”.

**18. Section 283, subsection (2) is amended by striking out the word “fifteenth” and by substituting the words “thirty-first”.**

Section 283  
amended

Section 292  
amended

**19.** Section 292 is amended

- (a) by adding at the end of subsection (3) the words "or a notice under subsection (4)",
- (b) by adding immediately after subsection (3) the following new subsection:

"(4) If, before the thirty-first day of December of any year, the company gives to each person mentioned in subsection (1) of section 289 a statement under the seal of the company that no shareholder of the company is of the same religious faith as the electors of the separate school district, the notice of the board of the separate school district shall not be effective with respect to any subsequent year."

Section 306  
amended

**20.** Section 306 is amended by striking out subsection (1) and by substituting the following:

Conveyance  
and main-  
tenance  
of pupil

**"306.** (1) A board may

"(a) provide or arrange with the parent or guardian that he provide conveyance to and from school for a pupil,

"(b) assist the parent or guardian of a pupil with the pupil's maintenance away from home, if his attendance at the school he is directed to attend requires that he be so maintained.

"(1a) The maximum rates specified in subsection (2) of section 308 apply to any provision for conveyance or maintenance made under subsection (1) of this section."

Section 321  
amended

**21.** Section 321 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after subsection (1) the following new subsection:

"(2) Notwithstanding subsection (1), the board of the district or division in which the parent or guardian of the pupil is a resident is not liable for any fee if it is providing conveyance for the pupil in accordance with Park X to the school operated by the board with which the tuition agreement has been made."

New  
section 331a

**22.** The following new section is added immediately after section 331:

Teacher  
participating  
in strike

**"331a.** If a teacher is or has been participating in a strike under *The Alberta Labour Act*, any contract of employment entered into between the teacher and another board before the strike is terminated is void, unless the board involved in the strike consents in writing to the teacher accepting employment with the other board."

Section 339  
amended

**23.** Section 339 is amended by adding immediately after subsection (3) the following new subsection:

“(4) If a teacher enters into a contract of employment with another board his notice to terminate his existing contract of employment shall, in addition to complying with the other requirements of this section, be given within eight days after the new contract is made.”.

**24.** Section 371 is amended by adding immediately after subsection (2) the following new subsection: Section 371  
amended

“(3) The board may make regulations, not inconsistent with any provision of this Act, governing the duties of principals and vice-principals in the employ of the board.”.

**25.** The following new section is added immediately after section 447: New  
section 447a

“**447a.** A child may continue to attend school for the purpose of receiving instruction in the subjects approved by the Department until he has attained the age of twenty-one years, and a child so continuing to attend school is a pupil for all the purposes of this Act.”. Continued  
school  
attendance

**26.** This Act comes into force on the day upon which it is assented to and upon so coming into force section 17 shall be deemed to have been in force at all times on and after the first day of January, 1955. Coming into  
force



THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act to amend The School Act,  
1952

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. AALBORG

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