

No. 67

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4 Elizabeth II, 1956

BILL 67

A Bill to amend The School Act, 1952

HON. MR. AALBORG

EDMONTON, ALBERTA
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Explanatory Note

2. The amendment is to obviate a possible conflict between sections 10 and 49.

3. A petition for the establishment of a separate school district is not to be presented within one or two years (depending on the strength of the opposition) of the voting on any previous petition that has been unsuccessful.

4. If all the lands have at one time or another been taken away from a district by Ministerial order, the district is to be automatically dissolved without the necessity for an order in council.

5. The duty imposed, by section 71, upon the secretary of a district board to call special meetings is to be exercised by the secretary of the division in the case of a divisional district that has no secretary.

BILL

No. 67 of 1956

An Act to amend The School Act, 1952

(Assented to _____, 1956)

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

PART I

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

2. Section 11, subsection (2) is amended by adding immediately after the words "except that" the words and figures "section 49 does not apply and".

3. Section 12 is amended

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

"(2) If the result of the vote reveals that a majority of the persons voting for or against the district have not voted in favour thereof, a further petition for the establishment of a separate school district in the district may not be presented until

"(a) one year after the taking of the vote if fewer than sixty per cent of the persons voting voted against the district, or

"(b) two years after the taking of the vote if sixty per cent or more of the persons voting voted against the district."

4. Section 26 is struck out and the following is substituted:

"**26.** (1) The Minister, by order, may add lands to or take lands from a district, and may divide a district into two or more districts.

"(2) If all the lands included in a district have been taken therefrom, the district shall be deemed to be dissolved."

5. Section 71 is amended by adding immediately after subsection (4) the following.

"(5) In the case of a divisional district that has no secretary, the secretary of the division shall act as secretary of the district board for the purposes of this section."

6., 7., 8. and 9. The amendments are to make complaints regarding consolidated school districts a subject of inquiry by a judge since the few remaining consolidated districts all contain towns or villages. The amendments also give the Minister a discretion to investigate the complaint or have it referred to a judge when it relates to a rural separate school district. The amendments also make it clear that a complaint may be lodged with regard to the conduct of a meeting called for the purpose of voting on the establishment of a proposed district, including in particular a proposed separate school district.

10. The means by which non-divisional district and divisional boards may disseminate information relating to their business is to be unrestricted. The Act does not, for instance, at present allow the dissemination of information by radio.

11. The board of a division or a non-divisional district may by subsection (3) of section 178 establish a college in affiliation with the University of Alberta. The new subsections (4) and (5) are to provide that two or more of such boards may establish such a college jointly. The new subsections (6) and (7), which are retroactive to the date The School Act, 1952, came into force, are to give power to divisional and non-divisional district boards to agree with the Government of Canada to educate for a consideration children of persons in the forces, or otherwise employed by the Government of Canada. Special school buildings may be erected for the purpose and special classes of pupils educated therein.

6. The heading preceding section 146 is amended by striking out the words "*and Consolidated*".

7. Section 146 is amended

- (a) as to subsection (1) by striking out the words "or consolidated district" and by substituting the words "district, whether established or proposed,"
- (b) by adding immediately after subsection (2) the following:

"(3) Where such a complaint is made with respect to the election of a trustee in a rural separate school district or with respect to the voting on the establishment of such a district, the Minister instead of investigating the matter himself may declare that the complaint may be tried in accordance with section 147, and thereupon the provisions of that section apply to such complaint."

8. The heading preceding section 147 is amended by striking out the words "*Town and Village*" and by substituting the words "*Town, Village and Consolidated School*".

9. Section 147 is amended

- (a) as to subsection (1) by striking out the words "town or village district" and by substituting the words "town, village or consolidated school district, whether established or proposed,"
- (b) by adding immediately after subsection (2) the following:

"(3) The validity of the voting on the establishment of a city, town or village district may be contested before a judge upon the relation of an elector entitled to vote upon the matter, and the proceedings shall be the same as in the case of the contesting of a by-law under *The Controverted Municipal Elections Act*."

10. Section 175, clause (e) is amended by striking out the words "by means of circulars or by publication in one or more newspapers having general circulation within the district or division".

11. (1) Section 178 is amended by adding immediately after subsection (3) the following:

"(4) A board referred to in subsection (3) may, upon obtaining the consent and approval mentioned in that subsection, enter into an agreement with another such board or other such boards jointly to establish, maintain and administer a college referred to in subsection (3).

"(5) An agreement made under subsection (4)

- "(a) may provide for the setting up of a governing body for the college, and for the payment by the boards establishing the college to such body of moneys for the establishment, maintenance and operation of the college, and

12. This amendment is to give non-divisional district and divisional boards the power to make cash contributions to educational research organizations approved by the Minister. Clause (e) of section 182 presently only contains power to make such contributions to school fairs and festivals.

13. This amendment is to give power for at least ten electors from each subdivision of a division to requisition a meeting or regional meetings of the whole division.

14. This amendment is to raise the maximum number of days in a year for which allowances may be paid to trustees in a division. In the case of the chairman the increase is from 15 to 25 days, and in the case of other trustees from 10 to 15 days.

“(b) is subject to confirmation by the Lieutenant Governor in Council.

“(6) The board of a non-divisional district or of a division may, with the approval of the Minister, enter into an agreement with the Government of Canada to educate the children of members of the regular armed forces, or of other persons employed by the Government of Canada, in a school or schools of the district or division and to receive consideration therefor.

“(7) An agreement referred to in subsection (6) may

“(a) provide for the erection, operation and maintenance of school buildings,

“(b) provide for the education of the children in such school buildings at the expense of the board or otherwise,

“(c) restrict the purposes for which any school building erected under the terms of the agreement may be used, and

“(d) provide for the attendance of particular groups or classes of pupils at any school building erected under the terms of the agreement.

(2) Upon the coming into force of this section it shall, in so far as it relates to subsections (6) and (7) of section 178, be deemed to have been in force at all times on and after the first day of July, 1952.

12. Section 182 is amended by striking out clause (e) and by substituting the following:

“(e) make a cash contribution towards

“(i) a school fair,

“(ii) a school festival, or

“(iii) an educational research organization that is approved by the Minister;”.

13. Section 186 is amended

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

(b) by adding immediately after clause (g) of the renumbered subsection (1) the following:

“(h) on the written petition of at least ten electors from each of the subdivisions of the division, call, by public notice given in accordance with subsections (4) and (5) of section 72, a meeting, or regional meetings, of the electors of all the districts of the division.”,

(c) by adding immediately after the renumbered subsection (1) the following:

“(2) Subsections (1) and (2) of section 73 apply to a meeting or meetings called under clause (h) of subsection (1) of this section.”.

14. Section 189, subsection (2) is amended

(a) as to clause (a) by striking out the word “fifteen” and by substituting the word “twenty-five”,

(b) as to clause (b) by striking out the word “ten” and by substituting the word “fifteen”.

15. The amendment is to enable signatures on cheques to be mechanically reproduced.

16. and 17. Compulsory acquisitions of sites for school buildings are not to include the acquisition of mines and minerals.

18. Section 237 at present provides that notice of a by-law authorizing borrowing by debentures, and a poll on the by-law is not required in the case of a division where the total amount of debenture and other capital borrowings authorized during the year does not exceed a certain amount. By this amendment borrowing to purchase school buses is not to be included when calculating that amount.

19. This amendment provides that where in the case of a city district money raised by debenture borrowing turns out to be more than is needed for the purpose for which it was borrowed, the surplus may with the consent of the Board of Public Utility Commissioners be applied to other purposes for which debenture borrowing is permissible. This makes the power of a city board analogous to that of a city council under The City Act.

20. This new section is to enable parents to designate by writing whether their child is to attend a public or separate school in a case where one parent is, for the purposes of this Act, deemed to be a resident of the separate school district and the other a resident of the public school district. A designation once made remains in force for 3 years and thereafter until changed. It must be made by September 10th to be effective for the current school year. If no designation is made the child is to attend school in the district in which the father is deemed to be a resident.

15. Section 193 is amended by adding immediately after subsection (2) the following:

“(3) The Minister may authorize the board of a division or non-divisional district to use such mechanical device for the signing of cheques as he thinks fit.”.

16. Section 216, subsection (2) is amended by adding immediately after the words “transfer of the site or the addition” the words “, excepting thereout all mines and minerals,”.

17. Section 217 is amended by striking out the words “expressed to be transferred, and thereupon” and by substituting the words “expressed to be transferred, excepting thereout all mines and minerals, and thereupon the land, excepting thereout all mines and minerals,”.

18. Section 237 is amended by adding immediately after the words “borrowings of the division” the words “for the purposes mentioned in clauses (a), (b) and (c) of subsection (1) of section 234 and”.

19. Section 274 is amended

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

“(2) Notwithstanding subsection (1), the surplus may, in the case of a city district and with the consent of the Board of Public Utility Commissioners, be expended for such other purposes within the scope of subsection (1) of section 234 as the board of trustees determines by resolution.”.

20. The following new section is added immediately after section 314:

“314a. (1) Where for the purposes of this Act one parent of a child is deemed to be a resident of a public school district and the other parent is deemed to be a resident of a separate school district having the same boundaries, the parents may, over the signatures of both of them, designate whether the child is to attend school within the public school district or the separate school district.

“(2) The designation shall be in the form prescribed by the Minister, and a copy shall be sent or delivered to the secretary of each of the districts, or in the case of a divisional district, to the secretary of the division in which the district is included.

“(3) The board of the district designated by the parents or the board of the division, as the case may be, shall admit the child to the public or separate school, as the case may be, in the same manner as if both parents were deemed to be residents of the public or separate school district.

“(4) The designation is effective for the current school year if made not later in the school year than the tenth day of September, otherwise it is effective at the beginning of the following school year, except that where the parents become residents of the districts after the tenth day of September a designation may be made, and becomes effective at the time the child is about to be enrolled at school.

21. and 22. The secretary of a board, instead of the chairman or secretary as at present, is to be the person with whom teachers are to conclude contracts of employment.

23. The Act provides that a teacher may only terminate his contract of employment with effect from a date in July or August (unless he obtains the consent of the Minister). The amendment provides that the notice terminating the contract effective in July or August must not be given later than June 15th, unless the teacher enters into a contract with another board in which case it must not be given later than July 15th.

24. A dispute concerning the termination of a teacher's contract is not to be referred to the Board of Reference if the contract has been in effect for less than a year.

25. This new section is to entitle a teacher to pay during unavoidable absence due to inclement weather, impassable road conditions or the failure of public transport.

“(5) A designation remains in effect for three years and thereafter until a further designation is signed designating that the child is to attend a school of the other district, and such change of designation shall be given in such form as may be prescribed by the Minister and in the manner mentioned in subsection (2).

“(6) A designation may not be made with respect to a pupil enrolled in a senior high school grade except at the time when the parents become residents of the districts.

“(7) If, in the circumstances mentioned in subsection (1), the parents do not make a designation the child shall attend school in the district in which the father is deemed to be a resident, except that where the mother is a natural parent and the father is not, the child shall attend school in the district in which the mother is deemed to be a resident.”.

21. Section 331 is amended by striking out the words “chairman or” wherever they occur.

22. Section 332 is amended by striking out the words “chairman or”.

23. Section 339 is amended by striking out subsection (3) and by substituting the following:

“(3) A notice to terminate a contract effective in the month of July or August shall be given to the board by the teacher on or before the preceding fifteenth day of June, unless the teacher enters into a contract with another school board in the Province in which case the notice may be given on or before the preceding fifteenth day of July.”.

24. Section 350, subsection (2) is amended by adding immediately after the word “Minister” the words “or where the contract has been in effect for less than twelve months”.

25. The following new section is added immediately after section 360:

“**360a.** (1) A teacher who, despite reasonable effort, is unable to travel to his school from his usual place of residence because of

“(a) inclement weather,

“(b) impassable road conditions, or

“(c) the failure of transportation facilities other than his own,

is entitled to his salary for the periods of absence so occasioned.

“(2) Notwithstanding subsection (1), a teacher is not entitled to the benefit of that subsection if

“(a) his usual place of residence is outside the school district in which his school is located, and

26. This amendment adds to the duties of a teacher the duty to attend meetings called by the board and relating to school organization or the improvement of instruction, provided the meeting is called on a school working day.

27. The Act now provides that a board may set the opening date of a school on or about September 1st. The amendment prevents a school opening before September 1st unless there are special circumstances and the Minister consents.

28. This amendment is to give a school board authority to lengthen the Christmas vacation by not more than two days. Such extension may apply to a whole school or just part of a school.

Part II relates the amendments in Part I to the 1955 revision.

“(b) he had not, before the circumstances giving rise to his absence arose, obtained the approval of the school board to his residence being so located.

“(3) The teacher may appeal to the Chief Superintendent of Schools against a decision of the school board that the teacher is not entitled to salary under this section, and the decision of the Chief Superintendent of Schools is final.”.

26. Section 365, subsection (1) is amended by adding immediately after clause (t) the following:

“(u) attend any meeting of teachers that is

“(i) called by or under the authority of the board on a day other than a holiday and other than a day during July or August or the Christmas or Easter vacation, and

“(ii) for the purpose of school organization or the improvement of instruction.”.

27. Section 377 is amended

(a) as to subsection (1) by striking out the word “about” and by substituting the word “after”,

(b) by adding immediately after subsection (2) the following:

“(3) Under special circumstances and with the consent of the Minister a board may set the opening date of a school before the first day of September.”.

28. Section 378, subsection (1) is amended by adding immediately after the words “both inclusive” the words “but a board may with respect to any school or a classroom of any school lengthen the Christmas vacation by not more than two school days”.

PART II

29. *The School Act*, being chapter 297 of the Revised Statutes of Alberta, 1955, is hereby amended.

30. Section 11, subsection (2) is amended by adding immediately after the words “except that” the words and figures “section 49 does not apply and”.

31. Section 12 is amended

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

“(2) If the result of the vote reveals that a majority of the persons voting for or against the district have not voted in favour thereof, a further petition for the establishment of a separate school district in the district may not be presented until

- “(a) one year after the taking of the vote if fewer than sixty per cent of the persons voting voted against the district, or
- “(b) two years after the taking of the vote if sixty per cent or more of the persons voting voted against the district.”.

32. Section 26 is struck out and the following is substituted:

“**26.** (1) The Minister, by order, may add lands to or take lands from a district, and may divide a district into two or more districts.

“(2) If all the lands included in a district have been taken therefrom, the district shall be deemed to be dissolved.”.

33. Section 71 is amended by adding immediately after subsection (4) the following:

“(5) In the case of a divisional district that has no secretary, the secretary of the division shall act as secretary of the district board for the purposes of this section.”.

34. The heading preceding section 146 is amended by striking out the words “*and Consolidated*”.

35. Section 146 is amended

- (a) as to subsection (1) by striking out the words “or consolidated district” and by substituting the words “district, whether established or proposed,”
- (b) by adding immediately after subsection (2) the following:

“(3) Where such a complaint is made with respect to the election of a trustee in a rural separate school district or with respect to the voting on the establishment of such a district, the Minister instead of investigating the matter himself may declare that the complaint may be tried in accordance with section 147, and thereupon the provisions of that section apply to such complaint.”.

36. The heading preceding section 147 is amended by striking out the words “*Town and Village*” and by substituting the words “*Town, Village and Consolidated School*”.

37. Section 147 is amended

- (a) as to subsection (1) by striking out the words “town or village district” and by substituting the words “town, village or consolidated school district, whether established or proposed,”
- (b) by adding immediately after subsection (2) the following:

“(3) The validity of the voting on the establishment of a city, town or village district may be contested before a judge upon the relation of an elector entitled to vote upon the matter, and the proceedings shall be the same as in the case of the contesting of a by-law under *The Controverted Municipal Elections Act*.”.

38. Section 175, clause (e) is amended by striking out the words “by means of circulars or by publication in one or more newspapers having general circulation within the district or division”.

39. (1) Section 178 is amended by adding immediately after subsection (3) the following:

“(4) A board referred to in subsection (3) may, upon obtaining the consent and approval mentioned in that subsection, enter into an agreement with another such board or other such boards jointly to establish, maintain and administer a college referred to in subsection (3).

“(5) An agreement made under subsection (4)

“(a) may provide for the setting up of a governing body for the college, and for the payment by the boards establishing the college to such body of moneys for the establishment, maintenance and operation of the college, and

“(b) is subject to confirmation by the Lieutenant Governor in Council.

“(6) The board of a non-divisional district or of a division may, with the approval of the Minister, enter into an agreement with the Government of Canada to educate the children of members of the regular armed forces, or of other persons employed by the Government of Canada, in a school or schools of the district or division and to receive consideration therefor.

“(7) An agreement referred to in subsection (6) may

“(a) provide for the erection, operation and maintenance of school buildings,

“(b) provide for the education of the children in such school buildings at the expense of the board or otherwise,

“(c) restrict the purposes for which any school building erected under the terms of the agreement may be used, and

“(d) provide for the attendance of particular groups or classes of pupils at any school building erected under the terms of the agreement.”

(2) Upon the coming into force of this section it shall, in so far as it relates to subsections (6) and (7) of section 178, be deemed to have been in force at all times on and after the first day of July, 1952.

40. Section 182 is amended by striking out clause (e) and by substituting the following:

- “(e) make a cash contribution towards
 - “(i) a school fair,
 - “(ii) a school festival, or
 - “(iii) an educational research organization that is approved by the Minister,”.

41. Section 186 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after clause (g) of the renumbered section (1) the following:
 - “(h) on the written petition of at least ten electors from each of the subdivisions of the division, call, by public notice given in accordance with subsections (4) and (5) of section 72, a meeting, or regional meetings, of the electors of all the districts of the division.”,
- (c) by adding immediately after the renumbered subsection (1) the following:
 - “(2) Subsections (1) and (2) of section 73 apply to a meeting or meetings called under clause (h) of subsection (1) of this section.”.

42. Section 189, subsection (2) is amended

- (a) as to clause (a) by striking out the word “fifteen” and by substituting the word “twenty-five”,
- (b) as to clause (b) by striking out the word “ten” and by substituting the word “fifteen”.

43. Section 193 is amended by adding immediately after subsection (2) the following:

- “(3) The Minister may authorize the board of a division or non-divisional district to use such mechanical device for the signing of cheques as he thinks fit.”.

44. Section 216, subsection (2) is amended by adding immediately after the words “transfer of the site or the addition” the words “, excepting thereout all mines and minerals,”.

45. Section 217 is amended by striking out the words “expressed to be transferred, and thereupon” and by substituting the words “expressed to be transferred, excepting thereout all mines and minerals, and thereupon the land, excepting thereout all mines and minerals,”.

46. Section 238 is amended by adding immediately after the words “borrowings of the division” the words “for the purposes mentioned in clauses (a), (b) and (c) of subsection (1) of section 235 and”.

47. Section 275 is amended

- (a) by renumbering the section as subsection (1),

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

“(2) Notwithstanding subsection (1), the surplus may, in the case of a city district and with the consent of the Board of Public Utility Commissioners, be expended for such other purposes within the scope of subsection (1) of section 235 as the board of trustees determines by resolution.”.

48. The following new section is added immediately after section 315:

“315a. (1) Where for the purposes of this Act one parent of a child is deemed to be a resident of a public school district and the other parent is deemed to be a resident of a separate school district having the same boundaries, the parents may, over the signatures of both of them, designate whether the child is to attend school within the public school district or the separate school district.

“(2) The designation shall be in the form prescribed by the Minister, and a copy shall be sent or delivered to the secretary of each of the districts, or, in the case of a divisional district, to the secretary of the division in which the district is included.

“(3) The board of the district designated by the parents or the board of the division, as the case may be, shall admit the child to the public or separate school, as the case may be, in the same manner as if both parents were deemed to be residents of the public or separate school district.

“(4) The designation is effective for the current school year if made not later in the school year than the tenth day of September, otherwise it is effective at the beginning of the following school year, except that where the parents become residents of the districts after the tenth day of September a designation may be made, and becomes effective, at the time the child is about to be enrolled at school.

“(5) A designation remains in effect for three years and thereafter until a further designation is signed designating that the child is to attend a school of the other district, and such change of designation shall be given in such form as may be prescribed by the Minister and in the manner mentioned in subsection (2).

“(6) A designation may not be made with respect to a pupil enrolled in a senior high school grade except at the time when the parents become residents of the districts.

“(7) If, in the circumstances mentioned in subsection (1), the parents do not make a designation the child shall attend school in the district in which the father is deemed to be a resident, except that where the mother is a natural parent and the father is not, the child shall attend school in the district in which the mother is deemed to be a resident.”.

49. Section 332 is amended by striking out the words “chairman or” wherever they occur.

50. Section 334 is amended by striking out the words “chairman or”.

51. Section 341 is amended by striking out subsection (3) and by substituting the following:

“(3) A notice to terminate a contract effective in the month of July or August shall be given to the board by the teacher on or before the preceding fifteenth day of June, unless the teacher enters into a contract with another school board in the Province in which case the notice may be given on or before the preceding fifteenth day of July.”.

52. Section 352, subsection (2) is amended by adding immediately after the word “Minister” the words “or where the contract has been in effect for less than twelve months”.

53. The following new section is added immediately after section 363:

“**363a.** (1) A teacher who, despite reasonable effort, is unable to travel to his school from his usual place of residence because of

“(a) inclement weather,

“(b) impassable road conditions, or

“(c) the failure of transportation facilities other than his own,

is entitled to his salary for the periods of absence so occasioned.

“(2) Notwithstanding subsection (1), a teacher is not entitled to the benefit of that subsection if

“(a) his usual place of residence is outside the school district in which his school is located, and

“(b) he had not, before the circumstances giving rise to his absence arose, obtained the approval of the school board to his residence being so located.

“(3) The teacher may appeal to the Chief Superintendent of Schools against a decision of the school board that the teacher is not entitled to salary under this section, and the decision of the Chief Superintendent of Schools is final.”.

54. Section 368, subsection (1) is amended by adding immediately after clause (t) the following:

“(u) attend any meeting of teachers that is

“(i) called by or under the authority of the board on a day other than a holiday and other than a day during July or August or the Christmas or Easter vacation, and

“(ii) for the purpose of school organization or the improvement of instruction.”.

55. Section 380 is amended

(a) as to subsection (1) by striking out the word “about” and by substituting the word “after”,

- (b) by adding immediately after subsection (2) the following:

“(3) Under special circumstances and with the consent of the Minister a board may set the opening date of a school before the first day of September.”.

56. Section 381, subsection (1) is amended by adding immediately after the words “both inclusive” the words “but a board may with respect to any school or a classroom of any school lengthen the Christmas vacation by not more than two school days”.

57. Part I and this section come into force on the day this Act is assented to, and Part II, except this section, comes into force and Part I is repealed on the day the Revised Statutes of Alberta, 1955, come into force.

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to amend The School Act,
1952

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. AALBORG
