No. 15

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 15

A Bill to amend The School Act

HON. MR. AALBORG

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Edmonton, Alberta, 1958

Explanatory Note

2. (a) The definition of "guardian" amended to include person given custody of a juvenile delinquent.

(b) Clause (*q*) of section 2 presently reads:

"(q) "owner" means an owner within the meaning of The Assessment Act;".

(c) Definition of "school" extended.

3. By section 105(*c*) a right to vote is given to persons who pay the so-called poll tax. With the repeal of the poll tax provisions in the various municipal Acts, this provision no longer serves any purpose.

4. Section 134 reads:

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

BILL

No. 15 of 1958

An Act to amend The School Act

(Assented to , 1958)

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,* being chapter 297 of The Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 2 is amended

(a) as to clause (*j*) by adding immediately following subclause (iii) the words:

"and includes any person in whose care or custody a juvenile delinquent is committed under the *Juvenile Delinquents Act* (Canada);",

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

"(*q*) "owner" means a person who is registered under *The Land Titles Act* as the owner of land except where the land is being sold under an agreement of sale in which case it means the purchaser under the agreement of sale;",

(c) as to clause (*w*) by adding immediately at the end the words "and includes a school or any classroom thereof of a board or publicly constituted school authority in the Province of Saskatchewan or in the Province of British Columbia or in the Northwest Territories or in the State of Montana with respect to which an agreement exists pursuant to section 178".

3. Section 105 is amended by striking out clause (*c*).

4. Section 134 is amended

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

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

"(2) A trustee elected by acclamation at the time of an annual election of trustees shall assume office at the next organization meeting of the board.

5. Section 138, subsection (1), which is part of the provisions relating to the election of school trustees presently reads:

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

6. Section 161 presently reads:

"161. (1) At the organization meeting in a district the board shall elect a chairman, who shall hold office during the pleasure of the board, and may transact any other business.

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

7. (a) Section 174 authorizes the payment of trustees for attendance at a meeting. Subsection (2) (*a*) reads:

"(2) In the case of a rural, village, consolidated or town district

"(a) the amount of the payment shall not exceed four dollars, and".

(b) Subection (3) presently reads:

"(3) In the case of a city district the amount of the payment shall not exceed five dollars.".

(c) Subsection (4) (*a*) reads in part:

"(4) In the case of a division

"(a) the amount of the payment shall not exceed ten dollars per day for each meeting, together with an allowance of not more than twelve cents per mile for every mile necessarily travelled in coming to and returning from meetings of the board, and".

8. Provisions authorizing the establishment of junior colleges are removed from the Act. See the Bill to authorize the establishment of Public Junior Colleges.

9. Section 191 presently reads:

"191. The chairman of the board shall

"(a) exercise a general supervision over the affairs of the district or division,

"(b) approve all accounts against the district or division and passed by the board, before the accounts are paid by the treasurer unless in the case of a town or city district or division the board has passed a resolution authorizing a trustee or person other than the chairman to approve the accounts, and

"(c) countersign all cheques of the district or division, unless the board has passed a resolution authorizing a trustee or officer other than the chairman to countersign the cheques.".

10. Section 210 reads as follows:

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

"(a) in any rural district, the sum of ten dollars,

"(b) in any village district or consolidated district, the sum of twenty dollars, and

"(c) in any division, the sum of one hundred and twenty-five dollars.".

11. Section 211 presently reads as follows:

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

"(a) shall take possession and have the custody and safekeeping of the property of the district or division, and

"(b) may dispose of any property real or personal belonging to the district or division but the disposal of any land or building is subject to prior approval of the Minister.".

This proposed change is in line with amendments made in 1957.

"(3) A trustee elected by acclamation to fill a vacancy on a board shall assume office at the next regular or special meeting of the board.".

5. Section 138, subsection (1) is amended by adding immediately after the words "as the case may be," the words "or such other person as the board may appoint".

6. Section 161 is amended

(a) as to subsection (1) by adding immediately after the word "chairman" the words "and a vice-chairman",

(b) as to subsection (2) by adding immediately after the word "chairman" the words "or the vice-chairman".

7. Section 174 is amended

(a) as to subsection (2), clause (*a*) by striking out the word "four" and by substituting the word "five",

(b) as to subsection (3) by striking out the word "five" and by substituting the word "ten",

(c) as to subsection (4), clause (*a*) by striking out the word "ten" and by substituting the word "fifteen".

8. Section 178 is amended by striking out subsections (3) to (5).

9. Section 191 is amended

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

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

"(2) Where the chairman is, through illness, absence or other cause, unable to perform the duties of his office the vice-chairman has all the powers of, and shall perform all the duties of the chairman.".

10. Section 210 is repealed.

11. Section 211, clause (*b*) is amended by adding immediately after the word "building" the words "used for the instruction or accommodation of pupils".

12. Section 225 reworded for greater clarity.

13. Section 254, subsection (2) presently reads as follows:

"(2) The returning officer, in the presence of those persons who are appointed pursuant to subsection (4) of section 246, and who are present, shall sum up the number of votes for and against the by-law, declare the result, and certify the result of the poll to the board.".

14. Section 275 presently reads as follows:

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

"(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.".

15. The assessment of property is changed to conform to the changes being made to The Assessment Act.

16. See note to clause 15.

17. Self-explanatory.

12. Section 225 is struck out and the following is substituted:

"**225.** No school building to be used for the instruction or accommodation of pupils and no addition to a school building to be so used shall be erected except in accordance with plans and specifications approved by the Department.".

13. Section 254, subsection (2) is amended by adding immediately after the word "shall" the words "count and".

14. Section 275 is amended

(a) by striking out subsection (1) and by substituting the following:

"**275.** (1) Any surplus remaining from

"(*a*) the proceeds of the sale of debentures, and

"(*b*) grants received pursuant to *The School Buildings Assistance Act,* after all expenditures for the specific purpose or purposes for which the debentures or grants were authorized have been made shall be placed in a suspense account and applied to redeem debentures.",

(b) as to subsection (2) by striking out the words "in the case of a city district and".

15. Section 284, subsection (1) is amended by striking out clause (*a*) and by substituting the following:

"(*a*) the total assessed value of all lands, together with sixty per cent of the fair actual value of all buildings and improvements, liable to assessment at the thirty-first day of December of the preceding year in that part of the district that is within the municipality, or such amount in lieu thereof as may be determined and ordered by the Alberta Assessment Equalization Board pursuant to *The Municipalities Assessment and Equalization Act,* and".

16. Section 297, subsection (1) is amended by striking out clause (*a*) and by substituting the following:

"(*a*) the total assessed value of all lands, together with sixty per cent of the fair actual value of all buildings and improvements, liable to assessment at the thirty-first day of December of the preceding year in that part of the division that is within the municipality, or such amount in lieu thereof as may be determined and ordered by the Alberta Assessment Equalization Board pursuant to *The Municipalities Assessment and Equalization Act,* and".

17. The heading "Conveyance within District" immediately preceding section 307 is struck out.

18. Section 307, subsection (1) presently reads:

"307. (1) A board may

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

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

19. The heading "Conveyance of Pupils in Grades I to IX" is struck out.

20. Section 308 presently reads:

"308. Subject to the other provisions of this Part, the board of every non-divisional district and of every division shall provide conveyance to and from school for a pupil if the pupil is enrolled in any grade from one to nine inclusive, and the parent or guardian of the pupil resides at a distance greater than three miles from the school that the board has directed the pupil to attend."

21. Section 310 dealing with conveyance of high school students is struck out. (See clause 20 above.)

22. Section 309, subsection (2) presently reads as follows:

"(2) In the case of isolated families, or in other special circumstances, a board that is required to provide conveyance for a pupil may do so by making an agreement with the parent or guardian of the pupil whereby the parent or guardian

"(a) will convey the pupil to and from school or the bus route and receive payment therefor from the board at a rate not exceeding twenty-five cents per mile or two dollars per family per day, or

"(b) will provide for the attendance of the pupil in any other suitable manner and receive payment therefor from the board at a rate not exceeding one dollar and twenty-five cents per pupil per day.".

23. (a) Section 319 authorizes fees for non-resident pupils. Subsection (2) presently reads:

"(2) The board may charge

"(a) for each pupil enrolled in grades one to six, inclusive, a fee of not more than five dollars for each month or major part of a month in which he is in attendance,

"(b) for each pupil enrolled in grades seven to nine, inclusive, a fee of not more than six dollars for each month or major part of a month in which he is in attendance, and

"(c) for each pupil enrolled in any grade above the ninth, a fee of two dollars per year for each credit assigned in the regulations of the Department to the subjects in which he receives instruction.".

(b) Subsection (3) presently reads:

"(3) Notwithstanding clause (c) of subsection (2), the fees chargeable for instruction in grades above the ninth

"(a) shall not exceed seventy dollars per year per pupil,

"(b) may be fixed at twenty dollars per year if the pupil is taking instruction in subjects having a total of less than ten credits, and

"(c) shall be one tenth of the annual fee for each month or major part of a month in which the pupil attends if he is in attendance for only a part of a year.".

24. Section 325 which sets out the method of estimating the cost of high school instruction amended.

18. Section 307, subsection (1) is amended by adding immediately after the words "A board may" the words "with respect to any pupil not provided for under section 308".

19. The heading immediately preceding section 308 is struck out.

20. Section 308 is amended by striking out the word "nine" and by substituting the word "twelve".

21. The heading immediately preceding section 310 and section 310 are struck out.

22. Section 309 is amended by adding immediately after subsection (2) the following new subsection:

"(2*a*) The Minister, in his discretion, may authorize a board to exceed the maximum rate fixed by subsection (2).".

23. Section 319 is amended

(a) as to subsection (2)

(i) by striking out the word "five" where it occurs in clause (*a*) and by substituting the word "six",

(ii) by striking out the word "six" where it occurs in clause (*b*) and by substituting the word "seven",

(iii) by adding immediately after the word "dollars" where it occurs in clause (*c*) the words "and fifty cents",

(b) as to subsection (3)

(i) by striking out the word "seventy" where it occurs in clause (*a*) and by substituting the word "eighty",

(ii) by striking out the word "twenty" where it occurs in clause (*b*) and by substituting the word "twenty-five".

24. Section 325 is amended by adding immediately after subsection (1) the following new subsection:

"(1*a*) The total cost shall be diminished by the amount of grants received from the Province to assist in the current operation of the school, as certified by the Department.".

25. Section 366, subsections (1) and (2) read as follows:

"366. (1) The Board of a district or division in its discretion may grant a teacher leave of absence for a period not exceeding one year for the purpose of improving his professional qualifications, for reasons of health, or for other reasons acceptable to the board.

"(2) Leave of absence granted under subsection (1) may be extended once for a period not exceeding one year.".

26. Section 368, subsection (1) setting forth various duties of a teacher amended by addition of new clause covering proof of age.

27. Section 371, subsection (4) presently reads as follows:

"(4) A notice effective in the month of July shall be given before the preceding fifteenth day of June.".

25. Section 366 is amended

(a) as to subsection (1) by striking out the words "for a period not exceeding one year",

(b) by striking out subsection (2).

26. Section 368, subsection (1) is amended by adding immediately after clause (*u*) the following clause:

"(*v*) upon the written request of the board, deliver to the secretary of the board an official certificate of the date of his birth, or, where such a certificate is not procurable, deliver a statutory declaration or such other proof of age as may be required by the board.".

27. Section 371, subsection (4) is amended by adding immediately after the word "given" the words "on or".

28. (1) This Act, except sections 15 and 16, comes into force on the day upon which it is assented to.

(2) Sections 15 and 16 come into force on the thirty-first day of December, 1958.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The School Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. AALBORG

Title: 1958 (13th, 4th) Bill 15, An Act to amend The School Act