

No. 59

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

BILL 59

A Bill to provide for the Establishment of Public
Junior Colleges

HON. MR. AALBORG

Explanatory Note

General. This Bill will authorize the establishment of Public Junior Colleges which may teach first year University courses and other subjects of a general or vocational nature not provided in the public high schools. It will replace, in greater detail, the provisions contained in subsections (3), (4) and (5) of section 178 of The School Act which are to be repealed. A Public Junior College may be established by one or more school divisions or non-divisional school districts. They are to be affiliated with the University of Alberta (see clause 5, subclause (1)).

2. Interpretation section.

3. Junior colleges may be established within a school division or within a non-divisional school district to provide first year university and other courses.

4. A college may be established by one school board or by a number of school boards in co-operation.

BILL

No. 59 of 1958

An Act to provide for the Establishment of Public
Junior Colleges

(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. This Act may be cited as "*The Public Junior Colleges Act*".

Interpretation

2. In this Act,

- (a) "college board" means the board of trustees of a junior college;
- (b) "junior college" means a junior college established pursuant to this Act;
- (c) "Minister" means the Minister of Education;
- (d) "school board" means
 - (i) the board of trustees of a school district established pursuant to *The School Act* and not included in a school division,
 - (ii) the board of trustees of a school division established pursuant to *The School Act*, and
 - (iii) the school committee of a county established pursuant to *The County Act*;
- (e) "school division" includes a county established pursuant to *The County Act*.

Establishment of Junior Colleges

3. For the purpose of teaching subjects of university level not higher than the level commonly accepted for the first year beyond University of Alberta matriculation in a course leading to a bachelor's degree, or for the purpose of teaching other subjects of a general or vocational nature not provided in the high school curriculum of the Province, a junior college may be established within a school division, or within a school district that is not within a school division.

4. A school board may itself establish and maintain, or may enter into agreement with other school boards to establish and maintain, a junior college within the area of

5. Consent of Minister of Education and approval by the Board of Governors of the University of Alberta is required.

6. Where one school board operates a junior college by itself the school board is the college board. The costs of the college are to come out of the revenues of the school board but are required to be shown separately on its financial statements.

7. Where more than one school board proposes to jointly establish a junior college they may enter into an agreement to that effect and apply to the Minister to have the college established as a body corporate. Each participating school board is to nominate a representative to serve on the college board.

the school division or school district or the area of a school division or school district with which it has joined for the purpose of establishing a junior college.

- 5.** (1) No junior college may be established unless
- (a) the Minister has given his consent thereto, and
 - (b) the Board of Governors of the University of Alberta has approved, in writing, the affiliation of the junior college with the University.

(2) The approval of the Board of Governors may be made subject to the fulfilling of specified conditions.

6. (1) Where a school board proposes to establish and maintain a junior college without entering into an agreement with other school boards, it may establish a junior college upon receipt of the consent and approval required under section 5.

(2) Upon establishing a junior college under subsection (1), a school board has all the powers and duties of a college board, in so far as these may be necessary and applicable, and may establish, maintain and operate the junior college as a charge against the revenues of the school board.

(3) The school board shall include in its annual budget, but as a separate part thereof, a statement showing the estimated expenditures necessary to maintain and operate the junior college.

(4) The school board shall in its annual financial statement, but as a separate part thereof, show the expenditures made to maintain and operate the junior college.

(5) A junior college may bear such name as may be approved by the Minister, but the name shall include the words "Junior College".

7. (1) Where a school board proposes to establish and maintain a junior college in association with another board or other boards, and where the consent and approval required under section 5 have been obtained and any agreements respecting and governing the participation of the school boards in the establishment, maintenance and operation of the proposed junior college have been executed, the school boards sponsoring the junior college may apply for the incorporation of the junior college.

(2) The application for incorporation shall be submitted to the Minister and shall contain

- (a) a copy of the approval of the Board of Governors of the University of Alberta,
- (b) a copy of any agreements entered into in respect of the proposed junior college, and
- (c) the names of the persons nominated by the participating and sponsoring school boards to represent

8. Junior college established as a corporation by order of the Minister.

9. Corporate powers of a college board.

10. With the approval of the college board and the consent of the Minister other school boards may join in the maintenance of an established junior college.

11. The board of trustees shall consist of not less than three members and any person entitled to serve on a school board may be appointed to the college board to represent the school division or district. The school board originally sponsoring the college is entitled to two members on the board.

them on the first board of trustees of the proposed junior college.

(3) The application for incorporation shall specify the location where the proposed junior college building, if any, will be constructed, or the location and nature of the facilities proposed to be used for the purposes of the junior college.

8. (1) The Minister, upon receipt of an application for incorporation and if satisfied that the establishment of the junior college is in the public interest, may by order establish the persons nominated, and such others as may be appointed from time to time, as the board of trustees of a junior college from and after the date specified in the order.

(2) The order shall designate the title by which the corporation will be known, and the title shall contain the words "Junior College".

(3) A notice of the order shall be published in *The Alberta Gazette* within thirty days of the making thereof and the publication of the notice is admissible in evidence as conclusive proof of the establishment of the junior college and that all the necessary formalities have been complied with.

9. (1) From and after the making of the order establishing the junior college the board of trustees thereof are and become a corporation under the name designated in the order.

(2) The college board shall have a common seal and possess and may exercise all the powers vested in a corporation by *The Interpretation Act* so far as the same are necessary to carry out the provisions of this Act.

(3) In addition to its powers under *The Interpretation Act* or by this Act given, the college board may, for the purposes of the junior college, acquire, hold and alienate real property to the same extent as a board of a school district.

10. A school board, not a party to any original agreement, may become a party to such agreement with the approval of the college board and the consent of the Minister, and shall thereupon assume responsibilities and have powers in respect of the junior college in the same manner as the other parties to the agreement.

Trustees

11. (1) A college board shall consist of not less than three members, who shall hold office until their successors are appointed.

(2) Any elector entitled to be nominated for and to serve as a member of a school board may, if appointed, serve on a college board to represent the school division or school district within which he resides.

12. Members of the college board hold office, for a term not exceeding three years, at the pleasure of the school board appointing them.

13. Resignation of a member of a college board.

14. Replacement of a member of a college board.

15. First meeting of board to be within sixty days of the establishment of the college.

(3) The school board that obtained the consent and approval referred to in section 5 may appoint two members to the college board.

(4) A school board joining by agreement with the board of a school division or a school district within which the junior college is situated may appoint one member to the college board.

12. (1) A representative of a school board shall be appointed by the school board and shall hold office at the pleasure of the board so appointing him to the college board but he need not be a member of the board making the appointment.

(2) No person shall hold office under this section for any term exceeding three years but on the expiration of any term he may be reappointed for a further term.

13. (1) A member of a college board may resign therefrom by sending to the college board and to the school board that appointed him a written notice stating the date on which the resignation is to become effective.

(2) Subject to subsection (1) of section 11, the resignation becomes effective on the date given in the notice whether or not a successor has then been appointed.

(3) Upon receipt of a notice of resignation, the school board that appointed the resigning member shall as soon as possible thereafter appoint another member to the college board to take office as successor to the resigning member.

(4) A notice of resignation shall allow at least one month between the date of the notice and the effective date of the resignation in cases where illness or other urgent considerations are not involved.

14. (1) Where a member of a college board leaves the school division or school district that he represents, or becomes mentally incapacitated, or dies, the school board appointing him shall as soon as possible appoint another member to replace the absent, incapacitated, or deceased member on the college board.

(2) Where a school board desires to replace a member appointed by it by another person the board shall advise the college board by written notice of the removal of the first member and the appointment of another and shall state the date when the appointment of the new member is to become effective.

Organization of Board of Trustees

15. The first meeting of the trustees of a junior college shall be held within sixty days of the establishment of the junior college, at such time and place as may be determined

16. Annual organization meeting required.

17. Officers of a college board.

18. Chairman and deputy chairman to hold office for one year but may be reappointed.

19. Appointed secretary-treasurer holds office during pleasure.

20. Quorum of board.

21. Questions decided by majority vote.

22. Business procedure.

23. Self-explanatory.

by any three trustees, and any remaining trustees shall be given at least two days' clear notice in writing of the time and place of meeting.

16. An organization meeting of the college board shall be held within the month of January in each year, at such time and place as shall be fixed by resolution of the board.

17. (1) The first meeting and every organization meeting of the college board shall appoint a chairman and a deputy chairman, who shall be members of the board, and a secretary and a treasurer or secretary-treasurer.

(2) In the absence of the chairman or in the case of his inability to perform the duties of his office, or in case of a vacancy in the office, the deputy chairman shall exercise the powers of the chairman.

(3) In the absence of the secretary, treasurer or secretary-treasurer, or in the case of the inability of an official to perform his duties or in case of a vacancy in the office, the college board may appoint an acting secretary, acting treasurer or acting secretary-treasurer, as the case may be.

(4) A person appointed an acting official under subsection (3) has, while he so acts, all the powers and shall perform all the duties of the secretary, treasurer or secretary-treasurer, as the case may require.

18. (1) The chairman and deputy chairman appointed at the first meeting shall hold office until the date of the next following organization meeting of the college board, and each of their successors shall hold office for a period of one year.

(2) Upon the expiration of his term of office, a chairman or deputy chairman may be reappointed to the office.

19. A secretary, treasurer or secretary-treasurer holds office during the pleasure of the college board.

20. A majority of the college board constitutes a quorum.

21. At meetings of the college board questions shall be decided by a majority of votes, and the chairman or presiding officer may vote on the questions, but in the case of an equality of votes on any question the question shall be decided in the negative.

22. All questions shall be submitted to the college board on the motion of the chairman or any other trustee and no seconder shall be required.

23. No act or proceeding of a college board that is not adopted at a regular or special meeting at which a quorum is present is valid or binding.

24. Board meetings to be public.

25. Administrative duties of a college board.

26. Director of the junior college and his duties.

27. Books and accounts of the college board.

24. The meetings of a college board shall be open to the public but no one may participate in the discussions of the board without its approval.

25. The college board shall:

- (a) fix the times and places of its meetings and the mode of calling and conducting its regular and special meetings;
- (b) make provision for the keeping of a full and accurate record of its proceedings, transactions and finances;
- (c) purchase, rent or otherwise acquire grounds, buildings and other property necessary for the uses of the junior college;
- (d) build, add to, repair, alter or otherwise improve the college building or other buildings required for college purposes, and ensure that the grounds and premises are duly protected and kept in a proper sanitary condition;
- (e) provide from time to time as required suitable furniture, equipment and apparatus;
- (f) give the necessary orders upon the treasurer for the payment of accounts against the college board;
- (g) prepare and transmit to the Department of Education and to the school boards sponsoring the junior college such annual, term and other reports and returns as are from time to time required by the Minister;
- (h) ensure that the junior college is conducted according to the provisions of this Act and the regulations;
- (i) determine the general policies with respect to the organization, administration, operation and courses of instruction of the junior college;
- (j) assume the entire financial responsibility for the operation of the junior college, from the funds provided.

26. (1) The college board shall appoint a director of the junior college, who shall be known by such title as the board may determine and who shall hold office during the pleasure of the board.

(2) The college board may delegate to the director and other officials such powers and duties as may be deemed necessary.

27. (1) The college board shall, at its first meeting in each year or within two months thereafter, appoint one or more auditors to audit the books and accounts of the college.

(2) An incorporated company or partnership may be appointed as auditor.

28. Duties and salaries of servants fixed by the board.

29. (1) Treasurer may be required to be bonded.

(2) Banking arrangements.

30. Sources of revenue.

31. Financial obligations of participating school boards.

(3) No one shall be appointed auditor who is then, or who during the preceding year was, a member of the college board, or who is or was treasurer or secretary-treasurer, or who has, or had during the preceding year, directly or indirectly, alone or with any other person, a share or interest in any contract or employment, otherwise than as auditor, with or on behalf of the college board.

28. Subject to the other provisions of this Act, the college board may appoint and remove such officers and servants as it deems expedient and may fix their salaries and prescribe their duties.

29. (1) The college board may require the treasurer to furnish a guarantee bond from any guarantee company authorized to do business in Alberta, for such amount as the board deems sufficient to cover any moneys for which the treasurer may at any time be responsible.

(2) The college board shall require that all funds of the junior college be kept in a chartered bank or branch of the Treasury Department and be paid by cheques signed by the treasurer and chairman of the board or such other member as may be designated by the board.

Finance

30. The revenues of a college board shall be derived from

- (a) grants that may from time to time be made available to it by the Government of Canada or by the Government of the Province,
- (b) gifts or grants of lands, moneys or securities from any source,
- (c) tuition fees paid by or on behalf of students attending the junior college or taking instruction or courses therefrom, and
- (d) payments made to the junior college by the school boards sponsoring the college and made pursuant to section 31.

31. (1) The school boards that are parties to the agreement for the operation of the junior college shall pay annually to the college board for the first and second year in which the college operates such sums as may be agreed upon in the agreement.

(2) In the third and subsequent years of the operation of the junior college, the school boards that are parties to the agreement for the operation of the junior college shall pay in quarterly instalments to the college board such sums as may be determined in accordance with a formula approved by the Lieutenant Governor in Council that may be prepared from time to time by the college board.

32. Annual budget of a junior college.

33. Tuition fees.

34. Courses to be offered by junior colleges.

35. Academic requirements of students seeking admission.

36. Curriculum committee may be appointed.

37. Employment of instructors for university and other courses.

32. (1) In each year a college board shall adopt an annual budget for the college and a copy of the annual budget shall be submitted to the Minister.

(2) Except in the year in which the junior college is established, the annual budget shall be adopted and submitted to the Minister before the thirty-first day of January.

(3) Upon the adoption of the budget each participating school board shall be supplied with a copy together with a statement showing the sum that it is required to pay towards the support of the college for that year.

33. All students attending at or taking instruction or courses from the junior college shall pay such tuition fees and charges as may be fixed from time to time by the college board.

Admission of Students

34. A college board shall, so far as it is within the power of the board, provide

- (a) courses of study for students who require one year of university training beyond University of Alberta matriculation,
- (b) day courses of a general or vocational nature,
- (c) evening courses of an academic, vocational, cultural or practical nature, and
- (d) short courses or institutes to meet the needs of special interest groups.

35. (1) Students desiring to attend a junior college for university courses shall be required to meet such admission requirements as may be prescribed by the University of Alberta.

(2) All other students and persons desiring to take instruction or courses at a junior college may be permitted to attend the college or take instruction or courses therefrom subject to such rules as may be made in respect thereof by the college board.

36. A college board may appoint a curriculum committee comprised of persons, whether members of the board or not, to advise the board with respect to the courses to be offered by the college.

Instructional Staff

37. (1) A college board may engage instructors of university courses, whether full-time or part-time, but each instructor shall first be approved by the University of Alberta.

(2) A college board may engage instructors for courses other than university courses, whether full-time or part-time.

(3) A college board may terminate the engagement of an instructor by the giving of thirty days' notice but the

38. (1) Junior college teachers who hold teaching certificates are teachers for the purposes of The Teaching Profession Act and The Teachers' Retirement Fund Act.

(2) Members of the Alberta Teachers' Association employed by a school board may bargain collectively.

(3) Members of the Alberta Teachers' Association employed by a college board may bargain collectively.

(4) Non-members of the Alberta Teachers' Association.

(5) Regulations governing employment conditions.

39. Administration of college may be transferred to a school board for a period of not more than five years.

40. A school board, other than the one originally proposing the establishment of the junior college, may withdraw its support on notice.

engagement of an instructor teaching university courses shall not be terminated on any date other than August thirty-first in any year without the approval of the Minister.

38. (1) Every instructor employed by a school board or by a college board, who is a teacher in possession of a valid teaching certificate issued by the Minister and who teaches in a junior college, or jointly in a junior college and in a school under the jurisdiction of a school board, is, subject to the provisions thereof, a teacher for the purposes of *The Teaching Profession Act* and of *The Teachers' Retirement Fund Act*, and no instructor who does not possess such certificate is a teacher for the purposes of the said Acts.

(2) A junior college instructor who is a member of the Alberta Teachers' Association and employed by a school board shall be a member of the staff of the school board for the purposes of section 358 of *The School Act* in respect of that portion of his employment that relates to instruction for the school board, whether junior college instruction or otherwise.

(3) A junior college instructor who is a member of the Alberta Teachers' Association and employed by a college board shall be a member of the staff of the college board and may negotiate salaries with the college board in the same manner as is provided in section 358 of *The School Act* with respect to a school board and its teachers.

(4) A junior college instructor who is not a member of the Alberta Teachers' Association shall receive such salary as may be agreed upon between the college board and himself.

(5) A college board may, from time to time, in consultation with the instructional staff or its representatives, make regulations governing teaching responsibilities, vacations, leaves of absence, sick leave and other matters relating to the employment of the instructors of the college.

General

39. (1) A college board may, by an agreement approved by the Minister, enter into an agreement with the school board of the school division or school district within which the junior college is situate making provision for the operation and administration of the junior college by the school board on behalf of the college board for a period not exceeding five years.

(2) Where in the opinion of the Minister an extension of an agreement under subsection (1) is desirable, the agreement for the operation and administration of the junior college by a school division or school district may be extended for further periods not exceeding five years at a time.

40. (1) A school board, other than the school board that proposed the establishment of the junior college, may, by

41. The Lieutenant Governor in Council, on the request of the school board originally proposing the college, may dissolve the college.

42. (1) Appointment of liquidator.

(2) Powers of liquidator.

(3) Liability of participating school boards.

(4) Extent of liability.

written notice of its intention to withdraw from the agreement given to the college board and to the school board that proposed the establishment of the junior college, terminate its agreement and is thereby released from its obligations to support and maintain the junior college.

(2) A notice under this section shall be given before March thirty-first, in any year, and the withdrawal shall be expressed to become effective on the thirty-first day of August of the following year, otherwise the notice is of no effect.

(3) A school board that has given notice under this section to terminate its agreement shall pay in the year in which the notice becomes effective two-thirds of the sum that it would have paid towards the support of the college for that year had no notice been given.

41. (1) A school board that proposed the establishment of the junior college may, by notice to the Minister and to the several school boards with which agreements had been entered into for the operation and maintenance of the junior college, if any, request the termination of the junior college, or of the agreements, as the case may be.

(2) A notice under subsection (1) shall be given before the thirty-first day of March in any year, and the termination shall be expressed to become effective on the thirty-first day of August of the following year, otherwise the notice is of no effect.

(3) Where the notice requests the termination of the junior college, the Lieutenant Governor in Council, by order, may declare that on the effective date the junior college is dissolved and thereupon the college board ceases to have any of the rights, powers and privileges vested in it by this Act.

42. (1) Upon the dissolution of the junior college, the Minister may appoint one or more persons to adjust and settle the assets and liabilities of the junior college and may fix his or their remuneration.

(2) The persons appointed may sell and dispose of all the assets and property of the junior college and apply the proceeds so far as they will extend,

(a) firstly, in payment of the liabilities of the junior college, and

(b) secondly, in payment of their remuneration.

(3) If the amount realized is insufficient to pay and satisfy the liabilities of the junior college and their remuneration, the persons appointed shall requisition the school boards participating in the operation of the junior college at the date of dissolution for such sums of money as may be required to pay and satisfy any indebtedness remaining unpaid and all expenses connected therewith.

(4) The sum a school board is liable to pay pursuant

43. Disposition of surplus, if any.

44. Pensions.

45. Ministerial authority to make regulations.

46. An existing junior college established under The School Act is made a junior college under this Act.

to subsection (3) shall be in the same proportion as the annual payments made by it in accordance with the formula last approved by the Lieutenant Governor in Council under section 31.

43. Where any surplus remains after the payment of all liabilities of a dissolved junior college and the expenses and remuneration of the persons appointed to adjust and settle its assets and liabilities, the surplus shall be divided among the school boards participating in the operation of the junior college at the date of dissolution in the same proportion as the annual payments were made by the board in accordance with a formula last approved by the Lieutenant Governor in Council under section 31.

44. A college board may

- (a) provide for the payment of a gratuity or annual allowance to any employee, other than an instructor who was a teacher within the meaning of subsection (1) of section 38, on retirement on account of age, or
- (b) contribute annually to a retirement plan, a sum not to exceed that which would have been payable to the Teachers' Retirement Fund by the employee had the employee been a teacher within the meaning of subsection (1) of section 38.

45. The Minister may

- (a) make regulations, not inconsistent with this or any other Act, governing the conducting and operation of junior colleges, and
- (b) make necessary orders concerning any matters that arise and for which no provision exists in this or any other Act in respect thereof.

46. The Lethbridge Junior College heretofore established pursuant to *The School Act* shall be deemed to have been established pursuant to this Act and the Board of Trustees of Lethbridge Junior College, upon the coming into effect of this Act, shall be a college board within the meaning of this Act.

47. This Act comes into force on the day upon which it is assented to.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to provide for the Establishment of Public Junior Colleges

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. AALBORG
