

No. 69

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 69

A Bill to amend The School Act

HON. MR. AALBORG

Explanatory Note

2. Section 14 is reworded for greater clarity. Section 14 presently reads:

"14. For the purposes of this Act a person who is resident within the boundaries of a separate school district, if he is a separate school supporter, shall be deemed to be a resident of the separate school district and not a resident of the public school district, otherwise he shall be deemed to be a resident of the public school district and not a resident of the separate school district."

3. Self-explanatory.

BILL

No. 69 of 1960

An Act to amend The School Act

(Assented to _____, 1960)

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 is hereby amended.

2. Section 14 is struck out and the following is substituted:

14. After the establishment of a separate school district, a person residing within the boundaries of the separate school district who is of the faith of those who established that district, whether Protestant or Roman Catholic, is a resident of the separate school district and a separate school supporter and is not a resident of the public school district or a public school supporter.

3. The following new section is added immediately after section 15:

15a. (1) Where a separate school district is established during the school year, the board of the district within which the separate school district is established or the board of the division if the district is within a division shall, at the request of the separate school district board, continue until the end of the school year to accept, in its schools and school buses, the children of the separate school district.

(2) A district or division that accepts the children of a separate school district pursuant to this section is entitled to receive from or on behalf of the separate school district, in proportion to the number of months in any year that the children are in its schools, the requisitions, grants, or other revenues that the district or division would have received if the separate school district had not been organized.

(3) Any dispute respecting the application of this section shall be referred to the Minister whose decision is binding on both parties.

4. Section 142 rewritten for greater clarity. Section 142 presently reads:

"142. The deputy returning officer and poll clerk may vote at the election."

5. Section 85 provides that where a division provides for the attendance of pupils of two or more districts at one school operated by the division the Minister may direct the establishment of only one board of trustees for all the districts involved. Subsection (3) of section 85 states:

"(3) Subject to subsection (4) and subsection (5), the districts named in the order referred to in subsection (1) shall be deemed to comprise a consolidated school district for the purpose of determining
(a) the constitution of the new board of trustees,
(b) the manner of electing the board of trustees, and
(c) the terms of office of the trustees elected to the board."

Under section 146 a complaint is made to the Minister who may investigate. Under section 147 the complaint goes to a judge as provided under The Controverted Municipal Elections Act.

6. Section 165(1) made applicable to divisional board only. Subsection (1) of section 165 presently reads:

"165. (1) Upon the written request of
(a) the chairman of the board, or
(b) three members of the board or a majority of the board, whichever is less,

the secretary of the board shall call a meeting of the board by giving notice in writing to each trustee."

7. Section 177, clause (e) presently reads:

"177. The board of a non-divisional district or of a division shall
.....
(e) subject to an appeal to the Chief Superintendent of Schools, determine the conditions under which a pupil is to be admitted during the school year to Grade I in any school of the district or division."

8. Section 179 is amended to give the board of a non-divisional district or a division authority to exclude pupils from school buses for the same reasons they may presently be suspended or expelled from school. Section 179, clause (c) presently reads:

"179. The board of a non-divisional district or a division shall
.....
(c) suspend or expel from school any pupil who, upon investigation by the board, is found to be guilty of open opposition to authority, wilful disobedience, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school, and"

9. Section 182, clauses (f) and (g) presently read:

"182. The board of a non-divisional district or of a division may
.....
(f) provide scholarships or bursaries for pupils of the district or division, subject to the approval of the Minister, and
(g) provide assistance by way of bursary or loans to students undergoing teacher training courses, subject to the approval of the Minister."

10. The board of a division is given power to hold plebiscites.

4. Section 142 is struck out and the following is substituted:

142. An elector does not lose his right to vote by reason of his appointment as a returning officer, deputy returning officer, or a poll clerk.

5. Section 146 is amended by adding the following subsection immediately after subsection (3):

(4) Notwithstanding subsection (3) of section 85, the validity of the election of a trustee pursuant to that section shall be contested in the manner prescribed in this section and not in the manner prescribed in section 147.

6. Section 165, subsection (1) is amended by adding immediately after the words "secretary of the board" the words "of a division".

7. Section 177 is amended by striking out clause (e) and by substituting the following:

(e) subject to an appeal to the Chief Superintendent of Schools, determine the conditions, if any, under which pupils who are not eligible for admittance under the conditions made pursuant to clause (d), may be admitted to Grade I upon transfer from another school system.

8. Section 179, clause (c) is amended

- (a) by adding immediately after the words "expel from school" the words "or exclude from travelling on a school bus",
- (b) by adding immediately after the words "of the school" the words "or to the welfare of the pupils being transported in the school bus, as the case may be".

9. Section 182 is amended

- (a) by striking out clause (f) and by substituting the following:
 - (f) provide scholarships, bursaries or prizes for pupils of the district or division, and
- (b) as to clause (g) by striking out the words "subject to the approval of the Minister".

10. Section 188 is amended

- (a) by striking out the word "and" at the end of clause (f) and by adding the word "and" at the end of clause (g),
- (b) by adding the following new clause immediately after clause (g):
 - (h) conduct a poll or plebiscite within the division or within any part of the division for the purpose of ascertaining the views of the electors with respect to any matters.

11. Section 200, dealing with the appointment of a superintendent by the board of a district, is amended to set out more clearly the position of the superintendent. Subsection (5) of section 200 presently reads:

"(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."

12. Section 223, subsection (1), clauses (a) and (b) presently read:

"223. (1) The board of a non-divisional district or of a division may

- (a) cause any schoolhouse or other school building to be removed from any site to another site, subject to the approval of the Minister,
- (b) acquire or build a teacherage and repair and keep it in order and rent it to a teacher or to some other person if no teacher desires to rent it,".

13. Subsection (1) of section 228 presently reads:

"228. (1) Where the board of a non-divisional district or of a division proposes to erect or purchase a school building,

- (a) if the estimated cost of erection or the purchase price, as the case may be, exceeds one hundred thousand dollars or one and one-half per cent of the total assessed value of the district or division, whichever is the lesser, and
- (b) if the method of financing the erection or purchase does not require the notice mentioned in section 237.

the board shall give notice of its intention to erect or purchase the building."

14. Under section 239 a vote on debenture by-laws by the proprietary electors may be demanded. Section 239(2) presently reads:

- "(2) The demand for a poll shall be in writing and shall be signed
- (a) in a district other than a city district, by five per cent of the proprietary electors of the district,
 - (b) in a city district, by one hundred proprietary electors or by five per cent of the proprietary electors, whichever is the lesser number, and
 - (c) in a division, by five proprietary electors of each of at least twenty per cent of the districts in the division."

The amendment is to enable districts with less than five proprietary electors to participate in a demand for a poll.

15. A district authorized under section 305 to impose and collect its own taxes is required to use assessment figures prepared by the Department of Municipal Affairs.

16. Section 309(2) (a) presently reads:

"(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
 - (i) twenty-five cents for each mile of the distance between the residence of the parent or guardian and the school or bus route, or
 - (ii) two dollars per family per day,
- or".

17. Self-explanatory.

11. Section 200 is amended by adding the following new subsection immediately after subsection (5) :

(6) Unless it is otherwise directed by the board, the superintendent shall be the chief executive officer of the board and shall, subject to subsection (5), have jurisdiction over all aspects of the business of the board.

12. Section 223, subsection (1) is amended

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

(a) cause any school building to be removed from a site to another site, but subject to the approval of the Minister in the case of a building used for the instruction or accommodation of pupils,

(b) acquire or build residences, furnish any residence it has acquired or built and rent residences to a superintendent, teacher or other employee of the board, or to some other person if no superintendent, teacher or other employee wishes to rent it,

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

(d1) acquire and operate school buses and enter into contracts for the provision of a school bus service,

13. Section 228, subsection (1), clause (a) is amended by adding immediately after the words "as the case may be," the words "exclusive of any grant pursuant to *The School Buildings Assistance Act*,".

14. Section 239, subsection (2) is amended by striking out clause (c) and by substituting the following:

(c) in a division, by

(i) five proprietary electors, or

(ii) fifty per cent of the proprietary electors, whichever is the lesser number, of each of at least twenty per cent of the districts in the division.

15. Section 306 is amended by adding the following subsection immediately after subsection (4) :

(5) A district named in an order made under section 305 shall, in preparing its assessment roll, use only the assessed values provided by the Department of Municipal Affairs for the purpose.

16. Section 309, subsection (2) is amended by striking out the word "or" at the end of clause (a) and by substituting the words "whichever is the lesser, or".

17. The following new section is added immediately after section 309:

18. Section 363 entitles a teacher to salary for time absent for reasons of health up to twenty days a year and subsection (6) goes on to provide as follows:

“(6) A board may under this section pay salary for a greater number of days than twenty, and may adopt a scheme whereby a teacher may earn, during service with the board, an entitlement of salary applicable to periods of illness, the unused portion of which may be carried forward from year to year.”.

19. This matter is covered more fully in section 346 and the duplication is removed. Subsection (4) of section 368 presently reads:

“(4) No board shall require a teacher to perform janitor services or any services or duties other than those set out in this section.”.

20. Section 370, subsection (4) is revised to set out the manner of terminating the designation of acting principal, acting vice-principal, etc. The procedure in the case of permanent employees is set out in section 371. Section 372 gives the teacher a right to a hearing.

21. Section 372 provides that a teacher whose designation as principal, vice-principal, etc., is terminated may request a hearing before the board to hear the reasons for the termination. Subsection (3), which gives a right of appeal to the Minister, presently reads:

“(3) If the teacher is dissatisfied with the reasons given, and the board does not withdraw its notice, he may appeal, within seven days, to the Minister who shall cause an investigation to be made and who may in his discretion confirm or disallow the termination of the designation.”.

22. Subsection (2) of section 395 presently reads:

“(2) The board may charge a fee for kindergarten classes, not exceeding two dollars per month for each pupil, to defray the cost of maintaining the classes.”.

23. Coming into force.

310. Where a parent or guardian directs his child to attend a private school, or where the parent or guardian of a child does not reside in a district of the division, the board of the division may allow the child to use the regular school bus service provided by the board, if the parent or guardian enters into a written contract of transportation with the board.

18. Section 363, subsection (6) is amended by adding immediately after the words "under this section pay" the words "full or part".

19. Section 368 is amended by striking out subsection (4).

20. Section 370 is amended by striking out subsection (4) and by substituting the following:

(4) The board may designate a teacher to be an acting principal or an acting vice-principal or an acting assistant principal and the designation is effective until the thirtieth day of June next following unless

- (a) the designation, when made, is specified to terminate on an earlier date,
- (b) a principal, vice-principal or assistant principal, as the case may be, is regularly designated for the position, or
- (c) the designation is sooner terminated in the manner set out in subsection (2) of section 371, in which case a hearing in accordance with section 372 may be requested.

21. Section 372 is amended by striking out subsection (3) and by substituting the following:

(3) If the board does not withdraw the notice of termination within seven days from the date of the hearing, the teacher may within fourteen days from the date of the hearing appeal to the Minister who shall cause an investigation to be made and who may, in his discretion, confirm or disallow the termination of the designation.

22. Section 395, subsection (2) is amended by striking out the words " , not exceeding two dollars per month for each pupil,".

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

No. 69

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The School Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. AALBORG
