

No. 78

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4th Session, 14th Legislature, Alberta  
10 Elizabeth II

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## **BILL 78**

A Bill to amend The School Act

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HON. MR. AALBORG

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Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty,  
Edmonton, Alberta, 1962

## Explanatory Note

**2. Section 2, clause (w) presently reads:**

“(w) “school” means a school, or any classroom thereof, of a district or division established or constituted under this or any other Act or ordinance respecting schools and in force in the Province at any time 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.”.

The definition as presently worded would appear to extend the application of the Act to schools over which there is no provincial jurisdiction.

**3. Section 18, subsection (1) presently reads:**

“18. (1) When a district is wholly or in part described in the order establishing it as comprising certain townships, parts of townships, sections or parts of sections, the boundary line of the district, unless it is otherwise expressly set out in the order, is the side of the road allowance between adjoining sections or townships on which the survey monuments or posts are placed, except in the case of correction lines, where the south side of the road is the boundary.”.

4. The sections being amended use the expression “electors and ratepayers” or variations thereof. “Ratepayer” is not defined in the Act and serves no purpose that is not served by the defined term “elector”.

5. Section 89, which sets out what sort of financial transactions a trustee can and cannot have with the school board is amended.

6. Clause (a) of subsection (1) of section 110 is revised for greater certainty of meaning. Section 110, subsection (1) reads:

“110. (1) Nomination and election of trustees in a town or city district shall be held at the same time and place, and by the same returning officer and conducted in the same manner as municipal nominations and elections of councillors or aldermen, except

- (a) as to qualifications for nomination, which, subject to The City Act, shall be as provided for in this Act for other districts, and
- (b) as to qualifications to vote, which shall be as provided for in section 106.”.

The qualifications for school trustees in city districts are provided for in section 177 of The City Act.

# BILL

No. 78 of 1962

An Act to amend The School Act

(Assented to \_\_\_\_\_, 1962)

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

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

**2.** Section 2, clause (*w*) is amended by striking out all the words following the words "at any time".

**3.** Section 18 is amended by adding the following new subsection:

(4) Unless otherwise stated in the order establishing a school district, where a part of the boundary of a district is described as being a certain river the downstream right bank of the river is the boundary.

**4.** (1) Sections 59, 60, 61, 69, 72 and 73 are amended by striking out the words "and ratepayers" wherever they occur.

(2) Section 60, subsection (2) is amended by striking out the words "or ratepayer".

(3) Section 64 is amended by striking out the words "Ratepayers and".

**5.** Section 89 is amended by adding the following new subsections:

(9) This section does not apply to a trustee by reason only of the trustee being a shareholder in an incorporated company having a contract or dealings with the board, unless he is a director or officer of the company.

(10) No trustee who is a shareholder in any company shall vote in the board on any question affecting the company, and no trustee who enters into a contract with the school district or division shall vote in the board on any question affecting such contract.

**6.** Section 110 is amended

(a) as to subsection (1) by striking out clause (*a*) and by substituting the following:

**7. Section 178, subsection (1), clause (b) and subsection (2) presently read:**

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

(b) subject to the approval of the Minister, enter into an agreement with any other board or boards in the Province or a board or other publicly constituted school authority in the provinces of Saskatchewan or British Columbia, or in the Northwest Territories or in the State of Montana, or with the Government of Canada for the instruction of pupils in any grade and in any course approved by the Department, upon such terms, including the fees payable by the board, as may be mutually fixed,".

(2) An agreement made under the provisions of clause (b) of subsection (1) may be terminated by either party giving notice to the other on or before the fifteenth day of May in any year, and upon notice being given, the agreement ceases and determines on the last day of the month of June following, unless the Minister otherwise orders."

**8. Section 182, clauses (e) and (g) presently read:**

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

(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,  
.....

(g) provide assistance by way of bursary or loans to students undergoing teacher training courses."

**9. Section 188, clause (h) presently reads:**

"188. The board of a division may .....

(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."

**10. Section 200, subsection (1) presently reads:**

"200. (1) Subject to such regulations as the Minister may from time to time establish, the board of a district employing more than twenty teachers may appoint a superintendent of schools."

**11. Section 232 presently reads:**

"232. The board of a division or of a town or city district may borrow to meet current expenditures without the approval of the Minister if

(a) the borrowings are repayable during the current year, and  
(b) the total amount of the borrowing outstanding at any one time does not exceed twenty-five per cent of the total requisition of the district or division for the preceding year."

- (a) as to the qualifications for nomination and election as trustee in a town district, which shall be as provided in subsection (3), and
- (b) by adding the following new subsection after subsection (2) :

(3) A person is qualified to be nominated or elected as a trustee in a town district if he is an elector of the district who can read and write and if he resides in the district and has resided therein for six consecutive months immediately preceding the date of nomination.

**7.** Section 178, subsection (2) is amended by striking out the words "An agreement" and by substituting the words "Unless otherwise provided therein, an agreement".

**8.** Section 182 is amended

- (a) as to clause (e)
  - (i) by striking out the word "or" at the end of subclause (ii) and by adding the word ", and" at the end of subclause (iii),
  - (ii) by adding immediately after subclause (iii) the following new subclause:
    - (iv) an association of school trustees,
- (b) by striking out the word "and" at the end of clause (f),
- (c) by striking out clause (g) and by substituting the following:
  - (g) provide assistance by way of bursary or loans to students undergoing teacher training courses at the University of Alberta or any institution in affiliation therewith, and
  - (h) pay for or toward the reception or entertainment of guests of the district or division, or for or toward travelling or other expenses incurred in respect of matters pertaining to or affecting the interests of the district or division, but in no case shall the total so expended in any year exceed one hundred dollars or five cents *per capita*, whichever is the greater, of the district or division.

**9.** Section 188, clause (h) is amended by adding immediately at the end thereof the words "and determine the manner of conducting the poll or plebiscite".

**10.** Section 200, subsection (1) is amended by striking out the word "twenty" and by substituting the word "forty".

**11.** Section 232 is amended by striking out clause (b) and by substituting the following:

- (b) the total amount of the borrowing outstanding at any one time does not exceed twenty-five per cent of the sums received in the preceding year pursuant to the regulations established under subsection (7) of section 304a.

**12. Section 284 presently reads:**

"284. (1) On or before the first day of April in each year the proper officer of a municipality within which a non-divisional district is situate in whole or in part shall provide a certificate to the secretary of the district showing

- (a) the portion of the equalized assessment of the municipality, as determined by the Alberta Assessment Equalization Board for the current year pursuant to The Municipalities Assessment and Equalization Act, that is applicable to that part of the municipality which is within the non-divisional district and the portion shall be determined by multiplying the equalized assessment of the municipality by the total of the actual assessed values of the properties liable to assessment lying within the district, together with the valuations of exempt properties lying within the district in respect of which grants are paid in lieu of taxes, and dividing the product thereof by the total of such actual assessed values and valuations of exempt properties as relate to the municipality as a whole, and
- (b) in a municipality other than a special area,
  - (i) the total estimated nominal value of all lands that are in the part of the district within the municipality, that are held under homestead lease as provided by The Public Lands Act and on which a share of crop has become payable to the Department of Lands and Forests, and the nominal value shall be estimated by multiplying four hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year, and
  - (ii) the total estimated nominal value of all lands that are in the part of the district within the municipality and that are held under grazing lease as provided by The Public Lands Act, and the nominal value shall be estimated by multiplying three hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year,

and

- (c) in a special area,
  - (i) the total estimated nominal value of all lands that are in the part of the district within the special area, that are held under lease from the Special Areas Board and on which a share of crop is payable to the Special Areas Board, and the nominal value shall be estimated by multiplying an amount to be set annually by the Minister of municipal Affairs by the total number of quarter sections so held as at the thirty-first day of December of the preceding year, or
  - (ii) the total estimated nominal value of all lands that are in the part of the district within the special area and that are held under grazing lease from the Special Areas Board, and the nominal value shall be estimated by multiplying an amount to be set annually by the Minister of Municipal Affairs by the total number of quarter sections so held as at the thirty-first day of December of the preceding year.
- (1a) Where a separate school district lies in whole or in part within a municipality, for the purposes of clause (a) of subsection (1)
  - (a) the assessments of property, whether of individuals or of companies, designated for the support of separate schools shall pertain to the separate school district and not to the public school district, and
  - (b) the valuations of exempt properties lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as the assessment of a company is apportioned pursuant to section 294.
- (2) The board of a non-divisional district shall, on or before the thirtieth day of April of each year prepare and adopt a detailed estimate of its revenues and expenditures for the current year.
- (3) The estimate may include such additional amount as may be approved by the Minister, which shall be set aside as a reserve fund for future capital expenditure."

**13. Section 295, subsection (2) reads:**

"(2) The total assessment for public school purposes and the total assessment for separate school purposes determined under clause (d) of subsection (1) shall be used by the public school district and the separate school district for the purpose of making their respective requisitions."

**12.** Section 284 is struck out and the following section is substituted:

**284.** (1) The Alberta Assessment Equalization Board, subject to subsection (4a) of section 331 of *The Municipal District Act*, subsection (4a) of section 8 of *The Improvement Districts Act* and subsection (11) of section 21 of *The Municipalities Assessment and Equalization Act*, as may be applicable, shall apportion among the non-divisional school districts lying wholly or in part within the municipality in each year the equalized assessment established in respect of a municipality for that year and thereafter the Board shall advise the municipality of such apportionment.

(2) The apportionment of the equalized assessment determined pursuant to subsection (1) shall be calculated by multiplying such equalized assessment by the total assessment and valuation of those properties lying within a non-divisional district which are represented in such equalized assessment and dividing the product thereof by the total assessment and valuation of those properties lying within the municipality and which are represented in such equalized assessment of the municipality.

(3) On or before the first day of April in each year the proper officer of a municipality within which a non-divisional district is situated in whole or in part shall provide a certificate to the secretary of the non-divisional district showing the portion of the equalized assessment of the municipality as determined pursuant to subsection (1) that is applicable to that part of the municipality that is within the non-divisional district.

(4) Where a separate school district lies in whole or in part within a municipality, for the purposes of this section,

- (a) the assessments of property, whether of individuals or of companies, designated for the support of separate schools shall pertain to the separate school district and not to the public school district, and
- (b) the valuations of exempt properties lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as the assessment of a company is apportioned pursuant to section 294.

(5) The board of a non-divisional district shall, on or before the thirtieth day of April of each year, prepare and adopt a detailed estimate of its revenues and expenditures for the current year.

(6) The estimate may include such additional amount as may be approved by the Minister, which shall be set aside as a reserve fund for future capital expenditure.

**13.** Section 295 is amended by striking out subsection (2).

**14. Section 297 presently reads:**

"297. (1) On or before the first day of April in each year the proper officer of a municipality within which a division is situate in whole or in part shall provide a certificate to the secretary of the division showing

- (a) the portion of the equalized assessment of the municipality, as determined by the Alberta Assessment Equalization Board for the current year pursuant to The Municipalities Assessment and Equalization Act, that is applicable to that part of the municipality that is within the division and the portion shall be determined by multiplying the equalized assessment of the municipality by the total of the actual assessed values of the properties liable to assessment lying within the division, together with the valuations of exempt properties lying within the division, in respect of which grants are paid in lieu of taxes, and dividing the product thereof by the total of such actual assessed values and valuations of exempt properties as relate to the municipality as a whole, and
  - (b) in a municipality other than a special area,
    - (i) the total estimated nominal value of all lands that are in the part of the division within the municipality, that are held under homestead lease as provided by The Public Lands Act and on which a share of crop has become payable to the Department of Lands and Forests, and the nominal value shall be estimated by multiplying four hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year, and
    - (ii) the total estimated nominal value of all lands that are in the part of the division within the municipality and that are held under grazing lease as provided by The Public Lands Act, and the nominal value shall be estimated by multiplying three hundred dollars by the total number of quarter sections so held as at the thirty-first day of December of the preceding year,
 and
  - (c) in a special area,
    - (i) the total estimated nominal value of all lands that are in the part of the division within the special area, that are held under lease from the Special Areas Board and on which a share of crop is payable to the Special Areas Board, and the nominal value shall be estimated by multiplying an amount to be set annually by the Minister of Municipal Affairs by the total number of quarter sections so held as at the thirty-first day of December of the preceding year, or
    - (ii) the total estimated nominal value of all lands that are in the part of the division within the special area and that are held under grazing lease from the Special Areas Board, and the nominal value shall be estimated by multiplying an amount to be set annually by the Minister of Municipal Affairs by the total number of quarter sections so held as at the thirty-first day of December of the preceding year.
- (2) Where a separate school district lies in whole or in part within a municipality, for the purposes of clause (a) of subsection (1)
- (a) the assessments of property, whether of individuals or of companies, designated for the support of separate schools shall pertain to the separate school district and not to the public school district, and
  - (b) the valuations of exempt properties lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as the assessment of a company is apportioned pursuant to section 294, and if the separate school district or the public school district has been included in a division, the assessments and valuations pertaining to the district shall pertain to the division."

**15. Section 301, subsection (1) presently reads:**

"301. (1) A divisional board, as soon as possible after the adoption of its estimates, shall submit to each municipality, on the form approved by the Minister, its requisition computed according to the provisions of section 300."



**14.** Section 297 is struck out and the following section is substituted:

**297.** (1) The Alberta Assessment Equalization Board, subject to subsection (4a) of section 331 of *The Municipal District Act*, subsection (4a) of section 8 of *The Improvement Districts Act* and subsection (11) of section 21 of *The Municipalities Assessment and Equalization Act*, as may be applicable, shall apportion among the divisions lying wholly or in part within the municipality in each year the equalized assessment established in respect of a municipality for that year and thereafter the Board shall advise the municipality of such apportionment.

(2) The apportionment of the equalized assessment determined pursuant to subsection (1) shall be calculated by multiplying such equalized assessment by the total assessment and valuation of those properties lying within a division which are represented in such equalized assessment and dividing the product thereof by the total assessment and valuation of those properties lying within the municipality and which are represented in such equalized assessment of the municipality.

(3) On or before the first day of April in each year the proper officer of a municipality within which a division is situated in whole or in part shall provide a certificate to the secretary of the division showing the portion of the equalized assessment of the municipality as determined pursuant to subsection (1) that is applicable to that part of the municipality that is within the division.

(4) Where a separate school district lies in whole or in part within a municipality, for the purposes of this section

- (a) the assessments of property, whether of individuals or of companies, designated for the support of separate schools shall pertain to the separate school district and not to the public school district, and
- (b) the valuations of exempt properties lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as the assessment of a company is apportioned pursuant to section 294,

and if the separate school district or the public school district has been included in a division, the assessments and valuations pertaining to the district shall pertain to the division.

**15.** Section 301 is amended by striking out subsection (1) and by substituting the following:

**301.** (1) Immediately after the adoption of its estimates a divisional board shall submit to each municipality, on a form approved by the Minister, its requisition computed in accordance with section 300.

**16. Section 303 reads:**

"303. (1) Each municipality shall levy the taxes necessary to pay that proportionate part only of the requisition made upon it by a district or division that is attributable to assessed values.

(2) For that purpose the municipality has the same powers of levying and collecting taxes as it has for municipal purposes.

(3) The property liable to assessment and taxation in respect of the requisitions made by any district or division is

(a) the property that is within the district or division and declared to be liable to assessment and taxation by The Assessment Act, and

(b) the property within that part, if any, of the district or division, that is within a city and liable to assessment and taxation under The City Act.

(4) All taxes levied in respect of any requisitions made in accordance with the provisions of this Part shall be deemed to be taxes for the purpose of any Act respecting the recovery of taxes by the municipality upon which the requisition is made."

**17. Section 304 enables a municipality to apply to the Local Authorities Board with respect to the amount of a requisition made upon it by a school district or division and authorizes the Board, after a hearing, to reduce the amount of the levy.**

**18. Section 304a which establishes the School Foundation Program Fund is amended. Subsection (9) presently reads:**

"(9) Nothing in this section restricts or prohibits or limits the power of a board to requisition a municipality for such further revenue as it may require for its operations."

**19. Section 319, subsections (2) and (3) presently read:**

"(2) The board may charge

(a) for each pupil enrolled in grades one to six, inclusive, a fee of not more than six 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 seven 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 and fifty cents per year for each credit assigned in the regulations of the Department to the subjects in which he receives instruction.

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

(a) shall not exceed eighty dollars per year per pupil,

(b) may be fixed at twenty-five 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."

**20. Section 325 which deals with estimating the cost of high school instruction is amended. Subsection (1a) presently reads:**

"(1a) 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."

**16.** Section 303 is repealed.

**17.** Section 304 is amended by adding the following new subsection:

(8) Where the Board directs a reduction in the requisition on a municipality,

(a) if the municipality has, before receiving notice of the reduction, levied its taxes and issued tax notices for the year, and

(b) if the tax levy includes a levy to meet the amount of the requisition before the reduction,

the municipality shall transmit to the School Foundation Program Fund a sum equal to the amount of the reduction, and the sum so transmitted is a payment on account of the amount required to be paid by the municipality in the following year pursuant to subsection (4) of section 304a.

**18.** Section 304a, subsection (9) is amended by adding immediately at the end thereof the words "but no such requisition shall be submitted until the board has transmitted to the Department a copy of its budget together with a statement indicating the intended requisition, and the advice of the Department has been received in respect thereof".

**19.** Section 319 is amended

(a) as to subsection (2)

(i) by striking out the words "six dollars" in clause (a) and by substituting the words "two dollars",

(ii) by striking out the words "seven dollars" in clause (b) and by substituting the words "three dollars",

(iii) by striking out the words "two dollars and fifty cents" in clause (c) and by substituting the words "one dollar",

(b) as to subsection (3)

(i) by striking out the word "eighty" in clause (a) and by substituting the word "thirty-five",

(ii) by striking out the word "twenty-five" in clause (b) and by substituting the word "fifteen".

**20.** Section 325 is amended by striking out subsection (1a) and by substituting the following:

(1a) The total cost shall be diminished by the amount of revenue received from the School Foundation Program Fund to assist in the current operation of the school, as certified by the Department.

**21.** Part XI of the Act authorizes boards to charge fees for the instruction of pupils whose parents or guardians are not resident in the district or division. See clause 19 above.

**22.** Section 326, clause (b) presently reads:

"326. Notwithstanding any of the provisions contained in this Part, the board of a district or division may

.....  
(b) pay to the parent or guardian of a pupil, in order to assist him to defray the cost of the education of that pupil at a private school or institution that maintains instructional standards approved by the Minister, a sum not exceeding that which would be payable for fees if the private school or institution had power to charge fees in the same manner as a board."

**23.** Section 340 presently reads:

"340. (1) Unless it obtains the approval of the Minister to do so no board shall give a notice to terminate a contract effective in any month except July.

(2) A notice to terminate a contract effective in the month of July shall be given to the teacher by the board on or before the preceding fifteenth day of June."

**24.** Section 350 presently reads:

"350. (1) A board may dismiss a teacher summarily for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the board.

(2) The board shall give notice in writing to the teacher, and transmit a written statement of the facts to the Minister forthwith.

(3) A teacher who is dismissed summarily by the board may appeal to the Minister within fifteen days.

(4) The Minister shall investigate the matter and confirm or reverse the decision of the board.

(5) If the Minister reverses the decision, the board shall reinstate the teacher."

**25.** Section 352, subsections (1) and (2) presently read:

"352. (1) When a dispute or disagreement arises between a board and a teacher with respect to the termination of a contract between the board and the teacher, either party to the dispute or disagreement may make application to the Minister to refer the dispute to the Board of Reference.

(2) No application shall be made in any case where the contract has been terminated with the approval in writing of the Minister or where the contract has been in effect for less than twelve months."

**21.** The following new section is added immediately after section 325:

**325a.** The Minister, upon receiving an appeal from a board that any fees prescribed in this Part are inadequate, may, upon investigation, authorize the board to charge fees for the instruction of pupils at a rate in excess of those prescribed in this Part.

**22.** Section 326, clause (b) is amended by adding immediately before the words "pay to the parent" the words and figures "if the instruction is not provided by the board in one of the manners set forth in subsections (1) to (3) of section 321,".

**23.** Section 340 is amended by striking out subsection (2) and by substituting the following:

(2) When applying for approval of the Minister to terminate a contract effective in a month other than July, the board shall forward a copy of the application for termination to the teacher.

(3) The Minister, or some person or persons appointed by him, shall investigate the matter, and the Minister shall notify the board and the teacher of his decision within ten days of the completion of the investigation.

(4) A notice to terminate a contract effective in the month of July shall be given to the teacher by the board on or before the preceding fifteenth day of June.

**24.** Section 350 is amended

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

(2) The board shall give notice in writing to the teacher, which shall state the reasons for the dismissal, and shall forward a copy of the notice to the Minister.

(b) by striking out subsection (4) and by substituting the following:

(4) The Minister, or some person or persons appointed by him, shall investigate the matter, and the Minister shall confirm or reverse the decision of the board.

**25.** Section 352 is amended by striking out subsection (2) and by substituting the following:

(2) No application shall be made

(a) where the contract has been terminated with the approval, in writing, of the Minister,

(b) where the contract has been in effect for less than twelve months, or

**26.** The existing subsections are consolidated and made sufficiently general to encompass absorptions of whole districts which were not covered. Section 359, subsections (4) to (7) presently read:

- “(4) When a district is included in a division
- (a) the teachers under contract to the district are under contract to the division,
  - (b) the schedule of the district continues in effect with respect to any such teacher for one year after its effective commencement date, and thereafter until the effective commencement date of a new schedule adopted by the division pursuant to subsection (1), in the negotiation of which the teachers formerly under contract to the district have participated as employees of the division, and
  - (c) the new schedule referred to in clause (b) may provide for the continuance of the district’s schedule, or any portion thereof, in respect of any teacher formerly under contract to the district.
- (5) Notwithstanding the provisions of any other Act, the board of the division, prior to the adoption of the schedule referred to in clause (b) of subsection (4), may pay to any teacher the salary that would be payable under the terms of the schedule of the division if such salary is in excess of that payable under the terms of the schedule of the district.
- (6) When a district is transferred from one division to another division, the teachers teaching in that district are under contract to the division to which the district is transferred, and the provisions of subsections (4) and (5), with the necessary changes being made, apply to such teachers and the salary schedules applicable thereto.
- (7) When a district changes from a divisional district to a non-divisional district
- (a) every teacher employed in the school district that has been changed from a divisional district to a non-divisional district is under contract to the board of the non-divisional district, and
  - (b) the schedule of the division continues in effect with respect to any such teacher until the effective commencement date of a new schedule that has been adopted by the board of the non-divisional district pursuant to subsection (1).”.

**27.** Section 362 provides for the computation of teachers’ salaries and authorizes a fixed deduction for each day the teacher does not teach during the school year. By subsection (4), a teacher is automatically considered to have taught on certain days when he did not, in fact, teach. Section 362, subsection (4), clauses (b) and (d) presently read:

- (c) where the teacher has been summarily dismissed pursuant to section 350.

**26.** Section 359 is amended by striking out subsections (4) to (7) and by substituting the following:

(4) Where, as a result of a transfer of lands or of districts pursuant to section 26 or 27, a school ceases to be under the jurisdiction of one school board and comes under the jurisdiction of another school board,

(a) the teacher employees on the staff of such school cease to be under contract to the board with whom they have been under contract, and are under contract to the board under whose jurisdiction the school has come, and the designation of any principal, vice-principal or assistant principal continues in effect,

(b) the salary schedule, and any collective agreement pursuant to section 358, applicable to such teachers immediately prior to the transfer, continue to apply to them for one year after the effective date thereof, and thereafter until the effective commencement date of a new salary schedule in the negotiation of which the teachers are eligible to participate as employees of the board under whose jurisdiction the school has come,

(c) any teacher employee who has been employed as a superintendent of schools, or in any capacity other than as a classroom teacher, principal, vice-principal or assistant principal, shall continue to receive until the thirty-first day of August next following, salary at the rate applicable to him at the time of the effective date of the transfer, but the board with whom he has come under contract may assign to him such duties, appropriate to a teacher, as it may deem necessary, and

(d) the new schedule referred to in clause (b) may provide for the continuation of the previous schedule, or any portion thereof, in respect of which any teacher previously under contract to the board under whose jurisdiction the school formerly was.

(5) Notwithstanding the provisions of any other Act, the board under whose jurisdiction the school has come may, prior to the adoption of the new schedule referred to in clause (b) of subsection (4), pay to any teacher the salary that would be payable under the board's existing schedule, if such salary is in excess of the salary that the teacher would otherwise receive.

**27.** Section 362 is amended

(a) as to subsection (4)

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

"(4) For the purposes of this section, a teacher shall be deemed to have taught upon all days

- .....
- (b) other than those within a vacation period upon which he is necessarily absent from his school in order to attend a teachers' convention or institute or school fair or festival approved by the Minister,  
.....
- (d) other than Thanksgiving Day, proclaimed or declared as holidays by order of the Governor General in Council, the Lieutenant Governor in Council, or by the council of the city or town within which the school taught by the teacher is located, and any holidays declared or permitted by the board under the provisions of this Act,".

**28. Section 366, subsections (1), (4) and (5) presently read:**

"366. (1) The board of a district or division in its discretion may grant a teacher leave of absence for the purpose of improving his professional qualifications, for reasons of health, or for other reasons acceptable to the board.

(4) When notifying the teacher that leave of absence has been granted, the board shall state that the leave is from a particular position, or from the staff of the district or division.

(5) Notwithstanding section 371, if leave of absence is granted from the staff, the granting and acceptance of the leave terminates any designation that the teacher has received under section 370, but the teacher, on his return to the staff, is entitled to a position equivalent in terms of salary to that which he held at the time of taking leave."

**29. Section 369, subsection (1) presently reads:**

"369. (1) A teacher may suspend from a class or from school a pupil who is 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."



- (b) upon which he is necessarily absent from his school in order to attend a teachers' convention or institute or school fair or festival approved by the Minister,
- (ii) by striking out the words "other than Thanksgiving Day," in clause (d),
- (b) by adding the following new subsections after subsection (4):
  - (5) Clause (b) of subsection (4) does not apply to days upon which
    - (a) a teacher's school is not in operation, and
    - (b) the teacher does not attend any convention, institute, school fair or festival, approved by the Minister, that the teacher is entitled to attend,
 and the board shall decide whether those days are to be days upon which the teacher shall be deemed to have taught for the purposes of this section.
  - (6) For the purposes of this section a teacher includes a temporary teacher, but does not include a substitute teacher.

**28.** Section 366 is amended by striking out subsections (4) and (5) and by substituting the following:

(4) When notifying the teacher that leave of absence has been granted, the board shall state that the leave is from a particular position, or from the staff of the district or division, and in the event of the board failing to so state, the leave of absence shall be deemed to be from a particular position.

(5) Notwithstanding section 371, if leave of absence is granted from the staff, the granting and acceptance of leave terminates any designation that the teacher has received under section 370, but the teacher, unless it has been otherwise agreed between him and the board, on his return to the staff is entitled to a salary which his qualifications and experience, at the time of return, qualify him in respect of the position which he occupied at the time of taking leave, but his period of absence shall not be deemed to be experience for this purpose unless it is so provided in the salary schedule.

**29.** Section 369 is amended by striking out subsection (1) and by substituting the following:

**369.** (1) Where a pupil is guilty of open opposition to authority, wilful disobedience, habitual neglect of duty, the use of improper or profane language, or of other conduct injurious to the moral tone or well being of the school,

- (a) a teacher may suspend the pupil from class, and
- (b) the principal may suspend the pupil from school or from riding on a school bus, or both.

**30. Section 370, subsection (4) presently reads:**

“(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.”.

**31. Section 371, subsections (1) and (3) presently read:**

“371. (1) If a teacher is designated to be a principal, vice-principal or assistant principal of a school, the designation shall remain in effect until terminated.

(3) No notice shall be given that is effective in any month other than July unless the consent of the Minister to a notice effective at some other time has first been obtained.”.

**32. Section 371a, subsection (1) presently reads:**

“371a. (1) The Minister may, on the application of a board desiring to employ a teacher in an administrative or supervisory position in respect of more than one school, approve the position as an administrative or supervisory position.”.

**33. Section 403 presently reads:**

“403. (1) When the services of a child are required

- (a) in husbandry,
- (b) in urgent and necessary household duties, or
- (c) for the necessary maintenance of the child or of some person dependent upon him,

the parent or guardian of the child may apply for a certificate exempting the child from attendance at school.

(2) The application shall be made in writing to a justice of the peace, magistrate, judge of the juvenile court, inspector of schools or the principal of the school attended by the child, who may issue a certificate exempting the child from attendance at school for any period not exceeding six weeks during each term, and setting forth the reason therefor.”.

**30.** 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, to fill a vacancy arising from unexpected or urgent circumstances, or to replace a teacher on leave of absence from such designated position, and the designation is effective until the thirtieth day of June next following unless

- (a) the designation, when made, is specified to terminate at an earlier date, or
- (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, or
- (d) the teacher regularly designated returns to the position.

**31.** Section 371 is amended by striking out subsection (3) and by substituting the following:

(3) No notice effective in any month other than July shall be given without the prior consent of the Minister.

(3a) A board applying for the consent of the Minister

- (a) shall state the reasons for the application, and
- (b) shall forward a copy of the application to the designee,

and the Minister, or some person or persons appointed by him, shall investigate the matter, and the Minister shall notify the board and the designee of his decision within ten days of the completion of the investigation.

**32.** Section 371a, subsection (1) is amended by striking out the words "more than one school" and by substituting the words "one or more schools".

**33.** Section 403 is amended by striking out subsection (2) and by substituting the following:

(2) The application, setting forth the reasons therefor, shall be made in writing to the principal of the school attended, who may issue a certificate, subject to approval by the superintendent or inspector of schools, exempting the child, if he is of the full age of twelve years or over, from attendance at school for a period not exceeding three weeks during each term.

(3) In case of a refusal by the principal, superintendent or inspector of schools, to approve the application, wholly or in part, the parent may appeal to a magistrate or judge of a juvenile court, who may approve the application or alter the conditions of the exemption issued by the principal.

**34. Section 453, subsections (1) and (2) presently read:**

"453..(1) Wherever in The City Act there are any provisions governing referendum, recalls, or the taking of plebiscites, such provisions, in so far as they may be made applicable, apply to the trustees and to the business of the board of the district concerned.

(2) If a plebiscite is held or a referendum taken or a recall demanded at any time other than the date of the general municipal election, the expenses of the plebiscite, recall or referendum shall be borne by the school board affected thereby."

**35. Commencement of Act.**

**34.** Section 453 is amended by striking out subsections (1) and (2) and by substituting the following:

**453.** (1) Wherever in *The City Act* or *The Town and Village Act*, there are any provisions governing referendum, recalls, or the taking of plebiscites, such provisions, in so far as they may be made applicable, apply to the trustees and to the business of the board of the city district or the town district, as the case may be.

(2) Any plebiscite or referendum taken or recall demanded shall be conducted by the city or town, as the case may be, on the instruction of the board, but if conducted at a time other than the date of the general municipal election, the expenses thereof shall be repaid to the city or town by the board.

**35.** This Act comes into force on the day upon which it is assented to and upon so coming into force section 26 shall be deemed to have been in force at all times on and after the thirtieth day of December, 1961.

No. 78

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FOURTH SESSION

**FOURTEENTH LEGISLATURE**

10 ELIZABETH II

1962

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**BILL**

An Act to amend The School Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. AALBORG

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