

No. 73

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 73

A Bill to amend The School Act

HON. MR. AALBORG

Explanatory Note

2. Section 95, subsection (2) presently reads:

"(2) The trustee, if any, elected by the district at large to the first board of a consolidated school district shall hold office until the first annual meeting following the election."

This amendment in conjunction with the amendment to section 99 will increase the term of office of a trustee at large from 1 to 2 years.

3. Section 99 presently reads:

"99. (1) A person elected as a trustee of a consolidated school district to fill the position of a trustee whose term of office has expired shall hold office for a term of two years from the date of the next organization meeting of the board.

(2) Notwithstanding subsection (1), the additional trustee elected by the district at large under subsection (2) of section 83 shall hold office for a term of one year."

See note to clause 2 of this Bill.

4. Sections 104 and 105 are revised to remove property qualifications for electors in rural village and consolidated school districts. Sections 104 and 105 presently read:

"104. The following persons are entitled to vote at an election in a proposed district, other than a proposed separate school district,

- (a) a Canadian citizen or a British subject of the full age of twenty-one years who is a resident of the proposed district, and who
 - (i) is the owner of property in the proposed district that, if the district were established, would be liable to assessment for school purposes,
 - (ii) is the tenant of property in the proposed district and that would then be liable to assessment for school purposes,
 - (iii) is under an agricultural lease issued under The Public Lands Act, the tenant of property in the proposed district, or
 - (iv) is the lessee from the Crown of property in a special area and in the proposed district;
- (b) the husband, wife, son, daughter, father or mother of any person described in clause (a) if the husband, wife, son, daughter, father or mother is a Canadian citizen or a British subject of the full age of twenty-one years and a resident of the proposed district.

105. The following persons are entitled to vote at an election in an established district other than a town or city district:

- (a) a Canadian citizen or a British subject of the full age of twenty-one years who is and has been a resident of the district for a period of not less than six months, and who
 - (i) is the owner of property in the district liable to assessment for school purposes,
 - (ii) is the tenant of property in the district liable to assessment for school purposes,
 - (iii) is, under an agricultural lease issued under the provisions of The Public Lands Act, the tenant of property in the district, or
 - (iv) is the lessee from the Crown of property in a special area and in the district;
- (b) the husband, wife, son, daughter, father or mother of any person described in clause (a) if the husband, wife, son, daughter, father or mother is a Canadian citizen or a British subject of the full age of twenty-one years and a resident of the established district."

BILL

No. 73 of 1963

An Act to amend The School Act

(Assented to _____, 1963)

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 95, subsection (2) is amended by striking out the words "first annual" and by substituting the words "second annual".

3. Section 99 is amended by striking out subsection (2).

4. Sections 104 and 105 are struck out and the following sections are substituted:

104. The persons who are entitled to vote at an election in a proposed district, other than a proposed separate school district, are Canadian citizens or British subjects who are twenty-one years of age or over and who reside in the district.

105. The persons who are entitled to vote at any election in an established district, other than a town or city district, are Canadian citizens or British subjects who are twenty-one years of age or over, who reside in the district, and who have resided therein for at least six months immediately preceding election day.

5. Section 116 is revised with respect to property qualifications for candidates for trustees in non-divisional rural, village and consolidated school districts. Subsection (1) of section 116 presently reads:

"116. (1) At the electors' meeting in a rural, village or consolidated district any two electors of the district may nominate for election as trustee a person who is an elector of the district and able to read and write."

6. Section 133 deals with nominations for divisional trustees. Subsections (2) and (4) presently read:

"(2) The nomination is valid only if it is signed by at least five electors of the subdivision, other than the nominee.

(4) Only an elector of the subdivision who is able to read and write shall be a nominee."

7. Subsection (1) of section 184 presently reads:

"184. (1) The board of a city district shall employ at least one physician who is a member of the College of Physicians and Surgeons of the Province of Alberta to inspect or supervise the inspection of pupils of each school in the district at least once during each school term, under such regulations as may be made by the Department."

8. The School Buildings Assistance Act was repealed in 1962 and section 228 is amended to remove a now meaningless reference to it.

5. Section 116 is amended by striking out subsection (1) and by substituting the following:

116. (1) A person is qualified to be nominated and elected as a trustee in a divisional rural, village or consolidated district if he is an elector of the district who can read and write.

(1a) A person is qualified to be nominated and elected as a trustee in a non-divisional rural, village or consolidated district if he is an elector of the district who can read and write and if

(a) he is

(i) the owner or lessee of land in the district subject to assessment for school purposes, or

(ii) the lessee under a lease issued pursuant to *The Public Lands Act* of land in the district, or

(iii) the lessee under a lease from the Crown of land in a special area and in the district,

or

(b) he is the husband, wife, son, daughter, father or mother of a person referred to in clause (a).

(1b) A nomination shall be made at the electors' meeting and may be made by any two electors of the district.

6. Section 133 is amended

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

(2) The nomination is valid only if signed by at least five electors of districts within the subdivision, other than the nominee.

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

(4) A candidate for trustee in a subdivision shall possess the same qualifications as those for a trustee in a non-divisional district as provided in subsection (1a) of section 116 or, if he is resident in a town, those provided in section 110 in respect of town districts.

7. Section 184 is amended by striking out subsection (1) and by substituting the following:

184. (1) The board of a city district shall employ at least one physician who is a member of the College of Physicians and Surgeons of the Province of Alberta to inspect and supervise the inspection of pupils of each district.

8. Section 228, subsection (1), clause (a) is amended by striking out the words "exclusive of any grant pursuant to *The School Buildings Assistance Act*,".

9. Section 239 provides that a poll of the proprietary electors for and against a by-law authorizing debenture borrowing may be demanded. Subsection (2) presently states:

- “(2) The demand for a poll shall be in writing and shall be signed
- (a) in a district other than a city district, by fifty proprietary electors or by five per cent of the proprietary electors, whichever is the lesser number,
 - (b) in a city district, by one hundred proprietary electors or five per cent of the proprietary electors, whichever is the lesser number, and
 - (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.”.

The amendment will increase the minimum number in city districts to 1,000 proprietary electors.

10. Section 289 provides that a company that has assessable property in a district where a separate school exists may give notice requiring that a percentage of the property be assessed for separate school purposes. Section 290, subsection (2) states:

- “(2) The notice shall be given on or before the first day of November and shall become effective on the following thirty-first day of December.”.

11. Section 293 provides that where a company does not give notice under section 289 (see note to clause 9 above) the separate school board may give notice for the same purpose. Section 293, subsection (3) presently reads:

- “(3) The notice shall be given on or before the first day of December and shall become effective on the following thirty-first day of December and shall remain in effect until the company gives a notice in accordance with sections 289 and 290, or a notice under subsection (4).”.

12. Section 309, subsection (2) 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, whichever is the lesser, or
 - (b) will provide for the attendance of the pupil in any other suitable manner and receive payment therefor from the board at a rate not exceeding one dollar and twenty-five cents per pupil per day.”.

13. The sections preceding section 323 make provision for the payment of fees where a pupil attends a school in a division or non-divisional district in which his parent or guardian does not reside. Section 323, subsections (1) and (3) presently read:

- “323. (1) The fee payable in any year by a parent or guardian shall be reduced by the amount of the school tax, if any, that is levied with respect to property assessed in the name of the parent or guardian within the district or division in which the pupil is in attendance.
- (3) Where the parent or guardian resides in unorganized territory and on land not in an Indian Reserve, then,
- (a) for instruction in grades one to nine inclusive,
 - (i) the parent or guardian shall pay two dollars per month on behalf of all the pupils in his family, and
 - (ii) the Minister shall pay the balance of the fees chargeable under this Part,
 - and
 - (b) for instruction in grades above the ninth,
 - (i) the Minister shall pay the fees chargeable to an amount not exceeding eighty dollars per pupil per year, and
 - (ii) the parent or guardian shall pay the balance of the fees chargeable under this Part.”.

9. Section 239, subsection (2) is amended

- (a) by striking out the words "in writing" and by substituting the words "in such form as is prescribed by the Minister",
- (b) as to clause (b) by striking out the words "one hundred" and by substituting the words "one thousand".

10. Section 290, subsection (2) is amended by striking out the word "November" and by substituting the word "December".

11. Section 293, subsection (3) is amended by striking out the word "first" and by substituting the word "fifteenth".

12. Section 309, subsection (2) is amended by striking out clause (b) and by substituting the following:

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

13. Section 323 is amended

- (a) by striking out subsection (1),
- (b) by striking out subsection (3) and by substituting the following:

(3) Where the parent or guardian resides in unorganized territory and on land not in an Indian Reserve, then for instruction in grades above the ninth the Minister shall pay the fees chargeable under this Part to an amount not exceeding thirty-five dollars per pupil per year, and the parent or guardian shall pay the balance of such fee, or any other fee chargeable under this Part.

14. Section 331, subsection (2) presently reads:

“(2) No permanent certificate shall be issued to any person who is not a British subject.”.

The subsection is amended to make the language consistent with other sections of the Act.

15. Section 363 is revised to clarify sick pay. Section 363, subsections (1) to (3) presently read:

“363. (1) A teacher who is absent from school to obtain necessary medical or dental treatment or because of accident, disability, or sickness is entitled to his salary during such absence.

(2) The teacher is not entitled to salary under this section for more than twenty days in an entire school year.

(3) If the teacher has rendered service for less than two hundred days in a school year, he may claim salary under this section for a number of days not to exceed the number of days he might be absent for the reasons set out in subsection (1) bearing the same relation to twenty as the number of days of service bears to one hundred and eighty.”.

16. Section 378 is revised to give greater flexibility to opening and closing times of schools. Section 378 presently reads:

“378. (1) School shall be held from nine o'clock until twelve o'clock in the forenoon and, at the discretion of the board, either from half-past one o'clock until four o'clock or from one o'clock until half-past three o'clock in the afternoon.

(2) The board may alter the hours of opening and closing in a school, or shorten the school hours, upon receiving the permission in writing of the Minister.”.

14. Section 331, subsection (2) is amended by adding immediately after the words "is not a" the words "Canadian citizen or".

15. Section 363 is amended by striking out subsections (1), (2) and (3) and by substituting the following:

363. (1) A teacher who is absent during the school year for necessary medical or dental treatment, or because of accident, sickness or disability is entitled to receive his salary for the number of days absent prescribed by this section.

(2) A teacher who has taught one hundred and eighty days or more during a school year is entitled to receive his salary for a maximum of twenty days' absence in the school year.

(3) A teacher who has taught less than one hundred and eighty days during a school year is entitled to receive his salary for the number of days that is the lesser of

- (a) the number of days he was absent, or
- (b) the number of days that bears the same relation to twenty as the number of days taught bears to one hundred and eighty.

(3a) For the purposes of this section, the number of days taught by a teacher shall be calculated according to subsection (4) of section 362 excepting those days referred to in clause (f) of that subsection.

16. Section 378 is struck out and the following section is substituted:

378. (1) A school board shall determine the hours of opening and closing and intermission time in schools under its jurisdiction but

- (a) in no school shall there be less than three hundred minutes of classroom instruction a day, exclusive of time for class movements or other intermissions, and
- (b) no teacher shall be required to give more than three hundred and thirty minutes of classroom instruction in any day.

(2) The Minister may authorize a board in writing to reduce the number of minutes of classroom instruction prescribed in subsection (1).

17. Section 402 is revised to make it apply to the permitting of a child to work on one's premises as well as to the employment of a child. Section 402 presently reads:

"402. No person shall during school hours employ a child required to attend school under this Part while the school that the child has the right to attend or that he is directed to attend is in operation, unless the child has a valid exemption from attendance, and any such employment is subject to the provisions of The Alberta Labour Act."

18. Section 403 is amended to relate its provisions with section 402. 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, 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.

See also note to clause 17 of this Bill.

19. Section 433 presently provides a penalty for employing a child contrary to section 402. The proposed new subsection will provide a penalty to accompany the prohibition added to section 402 by clause 16 of this Bill.

20. Commencement of Act.

17. Section 402 is struck out and the following section is substituted:

402. No person shall, during school hours,

(a) employ, or

(b) permit to work on his premises,

a child required under this Part to attend school, while the school that the child has a right to attend or that he is directed to attend is in operation.

18. Section 403, subsection (1) is amended by striking out the word "When" and by substituting the words and figures "Notwithstanding section 402, when".

19. Section 433 is amended by renumbering the section as subsection (1) and by adding immediately after the renumbered subsection (1) the following:

(2) A person who permits a child to work on his premises in contravention of section 402 is guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars for each offence.

20. This Act comes into force on the day upon which it is assented to and upon so coming into force clause (b) of section 13 shall be deemed to have been in force at all times on and after the first day of September, 1962.

No. 73

FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The School Act

Received and read the

First time

Second time

Third time

HON. MR. AALBORG
