

No. 130

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 130

A Bill to amend The School Act

HON. MR. AALBORG

Explanatory Note

1. This Bill amends The School Act which is chapter 297 of the Revised Statutes.

2. Section 2(i) presently reads:

“(i) “flag” means the Union Jack or such other flag as may be adopted by Canada;”.

3. The present subsection (1) of section 16 revised to clarify the wording and to provide that the votes of both districts will be taken by secret ballot.

4. Section 39 presently reads:

“39. Notwithstanding any other provisions of this Act, where a city or town district is to be or has been constituted a subdivision pursuant to section 38 and has an enrolment of resident pupils in excess of forty per cent of the total enrolment of the schools of the division, exclusive of the schools of the district, the Minister by the order including the district in the division or by a subsequent order may

(a) make provision for the election of two trustees to represent the subdivision, and

(b) determine the terms of office of the trustees first elected.”.

5. Section 71 pertains to special meetings of the electors of a district and subsection (2) specifies the cases where the secretary must call a meeting on request.

6. The present subsection (2) of section 80 revised to permit a board of trustees to number 7 or 9 (instead of only 7 as at present) and to include reference to town district boards.

BILL

No. 130 of 1964

An Act to amend The School Act

(Assented to _____, 1964)

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* is hereby amended.

2. Section 2, clause (i) is amended by adding after the words "Union Jack" the words ", Canadian Red Ensign".

3. Section 16 is amended by striking out subsection (1) and by substituting the following:

16. (1) Where a separate school district has been established within a public school district and

(a) the respective electors of each of the districts vote in favour of dissolving the districts for the purpose of uniting them and establishing the area as a public school district, and

(b) the respective votes are taken by secret ballot at public meetings called for the purpose of considering a vote on that question,

the Minister by order may dissolve the existing districts and establish the area as a public school district with such name and number as he may decide upon.

4. Section 39 is amended by striking out the words "exclusive of the schools" and by substituting the words "exclusive of the resident pupils".

5. Section 71 is amended by adding the following subsection after subsection (2):

(2a) Where a special meeting is requested under subsection (2), the meeting shall be called for a date not more than fifteen days after the request is received by the secretary of the board.

6. Section 80 is amended by striking out subsection (2) and by substituting the following:

(2) The Minister may by order direct that

7. Section 81 presently reads:

- "81. (1) Upon a rural or village district becoming a town district,
(a) the first nomination and election of trustees for the town district shall be held at the same times as the nomination and election of town councillors, and
(b) the trustees whose terms have not then expired shall continue to hold office for the terms for which they were respectively elected.
(2) If the board has consisted of three trustees, three trustees shall be elected for terms of three years, two years and one year respectively.
(3) The terms of office of the three trustees elected pursuant to subsection (2) shall be determined in accordance with subsection (3) of section 117."

8. Section 88(1) deals with disqualification of trustees. A divisional trustee is disqualified if he ceases to reside in the subdivision for which he is a trustee. The amendment will mean that he is not disqualified if he resides in any part of the division.

9. Section 96 presently reads:

"96. The trustees elected to the first board of a town or city district shall hold office for the terms for which they were respectively elected pursuant to section 81, or in accordance with an order of the Minister."

The section is revised as a consequence of the re-enactment of section 81 (see clause 7 of this Bill).

10. Section 98 presently reads:

"98. In a town or city district, except as provided in subsection (2) of section 81, the term of office of each trustee elected to take the place of a trustee whose term of office has expired is the same as that of a councillor or alderman under The Town and Village Act, or The City Act, as the case may be."

See clause 7 of this Bill as to the re-enacted section 81. The reference to section 81 is no longer apt in section 98.

11. Section 105 presently reads:

"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."

12. Section 106 presently reads:

"106. The following persons are entitled to vote at an election in a town or city district:

- (a) a Canadian citizen or a British subject of the full age of twenty-one years whose name is on the town or city voters' list or who is otherwise entitled to vote in the town or city under the provisions of The Town and Village Act, or of The City Act;
- (b) a resident of the portion of the district that lies outside the town or city who would be an elector under section 105 if he were a resident of a rural district and who in the form prescribed by the Minister declares that he is an elector of the district."

(a) the board of trustees of a city district consist of seven or nine trustees, or
(b) the board of trustees of a town district consist of seven trustees,
and in the same or a subsequent order may provide for the terms of office of the trustees to be elected.

7. Section 81 is struck out and the following is substituted:

81. (1) Upon a rural or village district becoming a town district,

(a) the board of trustees of the rural or village district becomes the board of trustees of the town district, and

(b) notwithstanding section 78, the term of office of each trustee continues until the date of the next election of town councillors.

(2) The secretary of the town district shall notify the secretary-treasurer of the town before the first day of September preceding the first election of trustees, that five trustees are to be elected.

8. Section 88, subsection (1), clause (e) is amended by striking out the word "subdivision" and by substituting the word "division".

9. Section 96 is struck out and the following is substituted:

96. The Minister shall by an order prescribe the terms of office of the trustees elected as the first board of a town district.

10. Section 98 is amended by striking out the words "except as provided in subsection (2) of section 81,".

11. Section 105 is amended by striking out the words "other than a town or city district" and by substituting the words "other than a non-divisional town or city district".

12. Section 106 is amended by striking out the words "election in a town or city district" and by substituting the words "election in a non-divisional town or city district".

13. Section 110(3) presently reads:

"(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."

14. Section 127(1) and (2) presently read:

"127. (1) Except as otherwise directed by the Minister, the poll shall remain open for two hours at the end of which time it shall be declared closed.

(2) The Minister may direct that in any district the poll shall remain open for a specified period longer than two hours and such direction remains in force until revoked.
....."

15. Self-explanatory.

16. Section 179 enumerates the permissive powers of a board of a non-divisional district or a division relating to management and discipline. See also the amendment in this Bill to section 369.

17. Section 182 enumerates powers of a board of non-divisional district or of a division. At present only city districts may effect group insurance under section 185(b). The new clause (h) will give the same powers to non-divisional districts and divisions, which will thus include city districts.

13. Section 110, subsection (3) is amended by striking out the words "six consecutive months" and by substituting the words "twelve consecutive months".

14. Section 127 is amended by striking out the words "two hours" where they occur in subsections (1) and (2) and by substituting the words "one hour".

15. Section 178 is amended by adding the following subsections:

(3) The board of a non-divisional district or of a division may, subject to the approval of the Minister, enter into an agreement with another board or boards and a teacher employed by any one of the boards whereby the services of that teacher are shared by all of the boards.

(4) The board of a non-divisional district or of a division may, subject to the approval of the Lieutenant Governor in Council, enter into an agreement with the Crown in right of Alberta for the provision of educational services to children who are supported wholly or partly by public moneys of the Province.

16. Section 180 is amended by adding the following clause after clause (b) :

(b1) suspend or expel from school a pupil whose attendance is not made compulsory by this Act but who attends irregularly without justification or excuse for his absence,

17. Section 182 is amended by adding the following clauses:

(h) enter into agreements to effect and maintain group insurance for life, sickness or accident coverage applicable to and for the benefit of its teachers and other employees and under which the board may contribute an amount not exceeding fifty per cent of the premiums for each group,

(i) place in its classrooms under the direction of classroom teachers, for purposes of observation and experience, persons who have completed the requirements for certification as teachers but have not commenced teaching under a contract of employment for such periods and for such remuneration as the board may decide.

18. Section 185(b) presently reads:

"185. The board of a city district may

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- (b) make provision by by-law for effecting and maintaining group insurance including life, sickness and accident coverage applicable to and for the benefit of teachers and other employees employed by the board and contribute an amount not exceeding fifty per cent of the premiums for each group, and
-".

See clause 17 of this Bill and the new clause (h) of section 182.

19. Section 186(1) (h) presently reads:

"186. (1) The board of a division shall

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- (h) on the written petition of at least ten electors from each of the subdivisions of the division, call, by public notice given in accordance with subsections (4) and (5) of section 72, a meeting, or regional meetings, of the electors of all the districts of the division."

20. Section 190(2) (e) and (f) presently read:

"(2) The board of a divisional district

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- (e) may, with the consent of the Minister, make arrangements, at the cost of the division, for the fuel for the school of the district, in the event that adequate provision as required by this Act is not made with respect thereto,
 - (f) may, where deemed necessary and with the consent of the Minister, provide at the cost of the division suitable toilet and sanitary accommodation,
-".

21. Section 222(f) presently reads:

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

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- (f) insure and keep insured all school buildings and equipment."

22. Section 227 deals with tenders for erection of school buildings. Once the time for opening tenders has passed, no tender can be withdrawn.

23. The present section 228(8) revised. The only substantive change is in clause (b) which will now provide a five day limit for transmitting a copy of a demand by the proprietary electors for a poll on the question of erecting or purchasing a building.

24. Section 229(2) presently reads:

"(2) In any district or division, the trustees may submit to the Minister a scheme for the erection of a school building by day labour."

25. Section 236 deals with the approval by the Local Authorities Board of debenture borrowings by a board.

18. Section 185 is amended by adding the word “and” at the end of clause (a), and by striking out clause (b).

19. Section 186, subsection (1), clause (h) is amended by striking out the words “on the written petition” and by substituting the words “within fifteen days of receiving a written petition”.

20. Section 190, subsection (2) is amended

- (a) as to clause (e) by striking out the words “with the consent of the Minister” and by substituting the words “with the consent of the divisional board”,
- (b) as to clause (f) by striking out the words “with the consent of the Minister” and by substituting the words “with the consent of the divisional board”.

21. Section 222, clause (f) is amended by adding at the end thereof the words “at their estimated fair actual value”.

22. Section 227 is amended by adding the following subsection after subsection (1) :

(1a) Except with the consent of the board, no person shall be permitted to withdraw a tender made to a board pursuant to subsection (1) after the time fixed by the board for the opening of all tenders for the erection of the school building.

23. Section 228 is amended by striking out subsection (8) and by substituting the following:

- (8) The Board shall
 - (a) transmit to the Department a copy of each notice given under subsection (1),
 - (b) transmit to the Department a copy of each demand received under subsection (6) within five days of receiving it, and
 - (c) advise the Department promptly of the outcome of each poll conducted under subsection (7).

24. Section 229, subsection (2) is amended by adding after the word “erection” the words “or partial erection”.

25. Section 236 is amended by adding the following subsection:

26. Section 239 pertains to demands by proprietary electors for a poll on a by-law for debenture borrowing. Subsection (4) presently reads:

“(4) The secretary shall transmit forthwith a certified copy of the demand to the Local Authorities Board.”.

27. Section 284(3), (5) and (6) presently read:

“(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.

(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.”.

28. New. Procedure to determine separate school supporters.

(4) This section does not apply to an expenditure for the services of an architect engaged to make preliminary plans or to compile and obtain information necessary in the opinion of the board to enable it to make the application to the Local Authorities Board.

26. Section 239 is amended by striking out subsection (4) and by substituting the following:

(4) The secretary or in his absence, the chairman, shall transmit a certified copy of the demand to the Local Authorities Board within five days of being delivered to the secretary or chairman.

(5) The form of the demand prescribed by the Minister shall require that each proprietary elector signing it shall show opposite his name a brief description of the property in the division or district in respect of which he is assessed and taxed and if any question arises as to whether a person who signed the demand is the owner of the property described opposite his name, the question shall be referred

(a) where the property is within a municipality other than a city, to the secretary-treasurer of the municipality, or

(b) where the property is within a city, to the chief assessor of the city,

whose decision shall be final and subject to reversal only in proceedings in court in which the demand is a matter material to the issue.

27. Section 284 is amended

(a) as to subsection (3) by striking out the words "On or before the first day of April in each year" and by substituting the words "Upon being advised by the Alberta Assessment Equalization Board of an apportionment under subsection (1)",

(b) as to subsection (5) by striking out the words "thirtieth day of April" and by substituting the words "thirty-first day of March",

(c) by striking out subsection (6) and by substituting the following:

(6) The estimate may include an additional amount as a reserve fund for future capital expenditures.

28. The following section is added after section 287:

287a. (1) As soon as possible after the establishment of a separate school district, the board of the district shall submit to each municipality within which the district lies a list of the names and addresses of all proprietary electors whose property is liable to assessment and taxation for the support of the district according to the information available to the Board.

(2) In the case of a city or town district the board shall also submit a list of the names and addresses of all persons who were at the time of the establishment of the district resident electors of the public school district and who are separate school supporters by virtue of section 14 according to the information available to the board.

(3) A list referred to in subsection (1) or (2) shall be accompanied by the statutory declaration of the chairman and secretary of the board stating

- (a) the sources of information used in the preparation of the list, and
- (b) that according to that information the list is truthful and as accurate as possible.

(4) Upon receiving the list or lists referred to in subsections (1) and (2), the municipality shall mail to each person named on the list at his address shown therein, a notice stating

- (a) that the board of the separate school district claims that he is a supporter of that district by virtue of being a Roman Catholic or Protestant, whichever is the faith of those who established the district, and
- (b) that he will be recorded as a separate school supporter unless within three weeks of the date of mailing of the notice he gives written notice to the municipality stating that he is not Roman Catholic or not Protestant, whichever is the faith of those who established the district.

(5) Where a written notice is given under clause (b) of subsection (4), the municipality shall remove the name of the person concerned from the list or lists.

(6) After the expiration of three weeks from the date of the mailing of the last of the notices by the municipality under subsection (4),

- (a) the municipality shall with respect to all persons whose names remain on the list referred to in subsection (1) record their properties as being assessable and taxable for separate school purposes, and
- (b) a city or town shall with respect to all persons whose names remain on the list referred to in subsection (2), if any, record those persons on its voters' list as being electors of the separate school district.

(7) The municipality shall furnish the boards of the separate school district and the appropriate public school district with a copy of each list following the removal of names, if any, pursuant to subsection (5).

(8) Any person who is recorded by a municipality as a separate school supporter may at any time give written notice to the municipality stating that he is not Roman

29. New. Self-explanatory.

30. Section 297 deals with apportioning of equalized assessments among school divisions. The change to subsection (3) is equivalent to the amendment in clause 27(a) of this Bill which amends section 284(3).

31. Section 298 presently reads:

"298. (1) On or before the thirtieth day of April in each year a divisional board shall prepare and adopt a detailed estimate of its revenue and expenditures for the current year.

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

32. Section 304(1) presently reads:

"304. (1) The council of a municipality, or the Minister of Municipal Affairs in the case of an improvement district or special area may, within thirty days of the receipt of the requisition upon it by a district or division, apply to the Local Authorities Board for an examination of the estimates of the district or division for the current year."

33. Section 304a pertains to the School Foundation Program Fund. Subsection (2) presently reads:

"(2) The Lieutenant Governor in Council shall by the fifteenth day of February in each year, or as soon thereafter as possible, establish a rate expressed in mills, not exceeding thirty-two mills."

34. Section 323(3) presently reads:

"(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."

Catholic or not Protestant, whichever is the faith of those who established the district, and thereupon the municipality shall change its records to indicate that person's property as being assessable and taxable for public school purposes or, in the case of a city or town, to indicate that person on its voters' list as an elector of the public school district.

29. The following section is added after section 288:

288a. The property of a person who is neither Protestant nor Roman Catholic shall be assessed for the purposes of the district, whether public or separate, for which the property of Protestants is assessed and that person is deemed to be a supporter of that district.

30. Section 297, subsection (3) is amended by striking out the words "On or before the first day of April in each year" and by substituting the words "Upon being advised by the Alberta Assessment Equalization Board of an apportionment under subsection (1)".

31. Section 298 is amended

- (a) as to subsection (1) by striking out the words "thirtieth day of April" and by substituting the words "thirty-first day of March",
- (b) by striking out subsection (2) and by substituting the following:
 - (2) The estimate may include an additional amount as a reserve fund for future capital expenditures.

32. Section 304, subsection (1) is amended by striking out the words "thirty days" and by substituting the words "sixty days".

33. Section 304a, subsection (2) is amended by striking out the words "not exceeding thirty-two mills" and by substituting the words "not exceeding twenty-six mills".

34. Section 323, subsection (3) is struck out and the following is substituted:

(3) Where the parent or guardian resides in unorganized territory and on land not in an Indian Reserve, the Minister shall pay the fees charged under section 319 and the parent or guardian shall pay any other fee charged under this Part.

35. (a) Section 324 deals with rates of tuition fees in certain high schools. The new subsection (2a) will permit a higher rate of fees for pupils taking vocational or technical courses.

(b) Subsection (1) of section 323 was repealed in 1963 and the reference is thus removed.

36. Section 340(4) presently reads:

"(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."

See also clause 37.

37. Section 341(1) & (3) presently read:

"341. (1) Unless he obtains the approval of the Minister to do so, no teacher shall give a notice to terminate a contract effective in any month except July or August.

(3) A notice to terminate a contract effective in the month of July or August shall be given to the board by the teacher on or before the preceding fifteenth day of June, unless the teacher enters into a contract with another school board in the Province in which case the notice may be given on or before the preceding fifteenth day of July."

38. Section 353 deals with applications to the Board of Reference by a teacher. The application fee under subsection (2) is increased to \$50.00 from \$25.00. The amendment to subsection (3) changes the date by which the teacher's application is to be made to June 15th, instead of June 30th.

39. Under section 354 a party who has applied for an investigation by the Board of Reference may request that his application be withdrawn. The amendment will require that the request be made at least two days before the date set for the investigation.

40. Section 368 enumerates duties of teachers.

35. Section 324 is amended

- (a) by adding the following subsection after subsection (2) :

(2a) Where a board provides instruction in vocational or technical courses, the rate of the charge made under subsection (1) for pupils who are receiving that instruction may be calculated separately and may be higher than the rate for the other pupils.

- (b) as to subsection (3) by striking out the words "Subject to subsection (1) of section 323, any" and by substituting the word "Any".

36. Section 340, subsection (4) is amended by striking out the words "fifteenth day of June" and by substituting the words "thirty-first day of May".

37. Section 341 is amended

- (a) as to subsection (1) by striking out the words "or August",

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

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

- (c) by adding the following subsection:

(5) Notwithstanding subsections (1) to (4), where the Board of Reference, pursuant to section 355, disallows the action of a board of trustees in terminating a contract with a teacher, the teacher may, within fourteen days of receiving a copy of the Board's decision, give thirty days' notice to the Board of termination of the contract.

38. Section 353 is amended

- (a) as to subsection (2) by striking out the words "twenty-five dollars" and by substituting the words "fifty dollars",

- (b) as to subsection (3) by striking out the words "thirtieth day of June" and by substituting the words "fifteenth day of June".

39. Section 354 is amended by striking out the words "If, before the investigation" and by substituting the words "If, at least two days prior to the date set for the investigation".

40. Section 368, subsection (1) is amended by adding the following clause after clause (m) :

- (m1) comply with the regulations under *The Fire Prevention Act* relating to fire drill procedure in schools,

41. Section 369 deals with suspension of a pupil by a teacher or principal for certain offences. See also clause 16 of this Bill.

42. Section 383 deals with holidays, including those declared by a city or town council. The new subsection (1a) clarifies the position of schools in a city or town but operated by a division.

43. Section 386(1) presently reads:

"386. (1) Notwithstanding section 385, the board of a district may cause a primary course to be taught in the French language."

44. Section 391(2) presently reads:

"(2) Notwithstanding subsection (1), in a high school providing departmentalized instruction religious instruction may be given to each class for a period not exceeding one-half hour per day, at such time or times as may be approved by the board and the Inspector of high schools."

45. Section 396 presently reads:

"396. Where kindergarten classes are conducted in a school under the direction of a board, no person shall be engaged or employed to teach and train the children in such classes unless he holds qualifications approved by the Minister."

46. Section 398 deals with compulsory attendance of pupils. The new section 398a will make it unnecessary in most cases for a board to give specific directions as to which school a pupil is to attend.

41. Section 369 is amended by adding the following subsection after subsection (1) :

(1a) Where a pupil whose attendance is not made compulsory by this Act and who attends irregularly without justification or excuse for his absence

(a) a teacher may suspend the pupil from class, and

(b) the principal may suspend the pupil from school.

42. Section 383 is amended by adding the following subsection after subsection (1) :

(1a) Notwithstanding subsection (1), a holiday declared by the council of a city or town does not apply to a school within the city or town and operated by a division, unless the board of that division so permits.

43. Section 386 is amended by striking out subsection (1) and by substituting the following :

386. (1) Notwithstanding section 385, the board of a district may by resolution direct that French be used as a language of instruction, in addition to the English language, in its school or schools in grades one to nine inclusive but in that case

(a) in grade one, at least one hour a day shall be devoted to instruction in English,

(b) in grade two, not more than two hours a day shall be devoted to instruction in French, and

(c) in grades above grade two, not more than one hour a day shall be devoted to instruction in French.

44. Section 391, subsection (2) is amended by striking out the words "and the inspector of the high schools".

45. Section 396 is struck out and the following is substituted :

396. Where a board establishes kindergarten classes pursuant to section 395, Part XII applies to a teacher employed to teach those classes.

46. The following section is added after section 398 :

398a. (1) For the purposes of section 398 a pupil shall, in the absence of a direction by a board to the contrary, be deemed to be directed to attend

(a) the school for the district in which his parent or guardian resides, if it provides instruction in the grade applicable to him, or

47. Section 422 presently reads:

"422. If a board acquires a site for a school building in contravention of the provisions of section 215, any trustee who has not voted against the resolution of the board for the acquisition is guilty of an offence and liable on summary conviction on information laid by the Minister or by an elector of the district to a fine of not more than one hundred dollars."

48. Commencement of Act. Section 33, which deals with the change in mill rate under the School Foundation Program Fund, is retroactive to January 1, 1964.

(b) where there is no school in the district in which his parent or guardian resides that provides instruction in the grade applicable to him, the school to and from which transportation is provided for him by a board or by his parent or guardian pursuant to an agreement between a board and his parent or guardian.

(2) Where a district operates more than one school and areas or zones are designated for its schools, then for the purpose of clause (a) of subsection (1), the pupil shall be deemed to be directed to attend the school for the area or zone in which his parent or guardian resides.

47. Section 422 is amended by striking out the words "who has not voted against" and by substituting the words "who has voted for".

48. This Act comes into force on the day upon which it is assented to and upon so coming into force section 33 shall be deemed to have been in force at all times on and after the first day of January, 1964.

No. 130

FIRST SESSION

FIFTEENTH LEGISLATURE

12 ELIZABETH II

1964

BILL

An Act to amend The School Act

Received and read the

First time

Second time

Third time

HON. MR. AALBORG
