

No. 67

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 67

A Bill to amend The School Act

HON. MR. MCKINNON

Explanatory Note

1. This Bill amends chapter 297 of the Revised Statutes.

2. Section 5 reads:

5. (1) Any portion of the Province, on petition of the residents thereof, may be established as a public school district, if

(a) it does not exceed four miles in length or in breadth, exclusive of road allowances,

(b) it contains

(i) four persons actually resident therein who on the establishment of the district would be liable to assessment or who hold lands under a homestead, cultivation or grazing lease, issued under the provisions of The Public Lands Act, and

(ii) eight children not younger than five nor older than sixteen years of age,

and

(c) the boundaries and name of the proposed district have been approved by the Minister.

(2) In a special case the Minister may permit a district to exceed four miles in length or in breadth or in both.

The section is no longer required because the procedures are no longer applicable.

3. This change now allows any three residents in any portion of the Province to take proceedings to have an area designated as a public school district. This is consequential to the repeal of section

5. Section 6, subsection (1) presently reads:

6. (1) Any three residents in any such portion of the Province may petition the Minister to establish that portion as a school district.

4. Section 22, subsection (1) presently reads:

22. (1) The boards of two or more non-divisional districts that are not less than thirty nor more than eighty square miles in area may apply to the Minister for the formation of the districts into a consolidated school district.

The limitation deleted here is no longer necessary or practical because of modern transportation facilities.

5. Establishment of regional high school districts.

BILL

No. 67 of 1966

An Act to amend The School Act

(Assented to _____, 1966)

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 Section 5 is repealed.

3. Section 6 is amended by striking out subsection (1) and by substituting the following:

6. (1) Any three residents in any portion of the Province may petition the Minister to establish that portion as a public school district.

4. Section 22, subsection (1) is amended by striking out the words "that are not less than thirty nor more than eighty square miles in area".

5. The following heading and sections are added after section 46:

Regional High School Districts

46a. (1) For the purpose of establishing and operating a high school in which may be offered, among other courses,

programs of a vocational and technical nature approved by the Department of Education, two or more school districts, divisions or counties may enter into an agreement to establish a regional high school district.

(2) The agreement and any agreement amending it or replacing it is subject to the approval of the Lieutenant Governor in Council.

(3) The order approving the agreement shall also

(a) establish the regional high school district and assign it a name and number, and

(b) constitute the board of trustees of the regional high school district as a corporation with a name in the following form: "The Board of the..... Regional High School District No.....".

(4) The agreement shall provide for

(a) the determination of the number of members of the board of the regional high school district, and the number to be named by each participating district, division or county, the manner of their appointment or election, and terms of office, and

(b) the manner in which the costs of establishing and operating the high school are to be borne by each of the participating bodies.

(5) In the event that one or more parties to the agreement proposes an amendment thereto and the parties cannot agree regarding the amendment which is proposed the matter shall be referred to the Minister for consideration, and the Lieutenant Governor in Council may, by order, amend the agreement and the amendment is binding upon the parties.

46b. (1) The superintendent of schools, if any, of each of the parties to the agreement may attend meetings of the board and advise the board.

(2) The Minister shall designate an inspector of high schools to be chief advisor to the board of the regional high school district in respect of the program to be offered in its school, and with respect to its teaching staff.

46c. (1) Upon the request of one or more of the parties to the agreement, or otherwise as may seem desirable and necessary the Lieutenant Governor in Council may, by order, dissolve a regional high school district.

(2) Upon dissolution of the district, and following consultation with the parties to the agreement, the Minister shall, by order, make a disposition of the assets and liabilities of the district among the parties in such proportions or in such manner as he decides.

46d. (1) This Act applies to a regional high school district and to its board as though the district were a town

6. Section 72, subsection (5), clause (c) presently reads:

(5) The secretary of the division shall also give notice of the meeting by any one of the following methods:

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- (c) by causing an announcement, giving the time, place, date and purpose of the meeting, to be made between the hours of seven o'clock and ten o'clock in the evening on three successive days during the eight days immediately prior to the day of the meeting, on a radio station whose broadcast area covers the entire division.

7. Section 89, subsections (9) and (10) presently read:

(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.

8. Qualification requirements are adequately covered in other sections of the Act. Section 133, subsection (4) presently reads:

(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.

9. Section 141 presently reads:

141. (1) In any city, town, consolidated or village district, the poll for a divisional trustee may, by resolution of the board of the division, be kept open for a period of not less than two hours between the hours of twelve o'clock noon and seven o'clock in the evening.

(2) The board of a division may provide by resolution that all polls conducted for divisional trustees in rural districts shall be kept open for three hours.

The amendment allows a divisional board to set the poll hours throughout the division, making urban and rural hours different if advisable.

10. Section 160 presently reads:

160. In town and city districts the board shall hold an organization meeting within ten days of the date of the annual municipal election, and in all other districts within ten days of the annual election of trustees and such meeting shall be called by the secretary, or if there is none, then by the member of the board first elected.

Elections in cities are not necessarily held annually.

district, except in so far as its provisions are in conflict with sections 46a to 46c or the agreement.

(2) The Minister may by order provide for any matter in relation to regional high school districts as he considers necessary where the provisions of this Act are in his opinion insufficient or inapplicable.

6. Section 72, subsection (5) is amended by striking out clause (c) and by substituting the following:

(c) by causing an announcement, giving the time, place, date and purpose of the meeting, to be made between the hours of five o'clock and eleven o'clock in the afternoon on three successive days during the eight days immediately prior to the day of the meeting, on a radio or television station which serves the area.

7. Section 89 is amended by striking out subsections (9) and (10) and by substituting the following:

(9) This section does not apply to a trustee by reason only of the trustee being a shareholder or member of an incorporated company or a co-operative association having a contract or dealings with the board, unless he is a director or officer of the company or association, as the case may be.

(10) A trustee who holds more than one per cent of the shares of an incorporated company or co-operative association shall not vote as a board member on any question affecting the company or association.

(11) Where a trustee enters into a contract with the school district or division he shall not vote as a board member on any question affecting that contract.

8. Section 133, subsection (4) is amended by striking out the words "or, if he is resident in a town, those provided in section 110 in respect of town districts".

9. Section 141 is struck out and the following is substituted:

141. (1) The polls for the election of a divisional trustee shall be kept open for such period of not less than two hours between twelve o'clock noon and seven o'clock in the afternoon as the board may determine.

(2) Notwithstanding subsection (1) the board may direct that polls in rural districts shall be open for a shorter period than those in city, town or village districts, but in no case shall they be open for less than two hours.

10. Section 160 is amended by striking out the words "the annual municipal election," and by substituting the words "a regular municipal election,".

11. The addition of clause (d) prohibits board decisions being made by secret ballot.

12. Sections 174 and 174a presently read:

174. (1) The board of a non-divisional district other than a city district or of a division may provide by resolution or by-law for payment to each trustee for attendance at any regular or special meeting of the board, or at any meeting of any standing or special committee, when such meeting is approved by the board.

(2) In the case of a rural, village, consolidated or town district

**(a) the amount of the payment shall not exceed five dollars, and
(b) the by-law or resolution providing for the payment shall be approved at an annual meeting of the electors before coming into effect.**

(3) Repealed. (1959, c. 76, s. 4)

(4) In the case of a division, the board may determine the amount per day for each meeting, together with an allowance per mile for every mile necessarily travelled in coming to and returning from meetings of the board.

174a. The board of a city district may by by-law

(a) provide for the payment to each trustee of an amount to be fixed by the by-law for attendance at any regular or special meeting of the board, or at any meeting of any standing or special committee, when such meeting is approved by the board, or

(b) provide for the payment to each trustee of an annual honorarium in an amount to be fixed by the by-law.

13. Self-explanatory. Section 168 provides for the delegation of a board's powers or duties to a standing or special committee.

14. This change is consequential of the new proposed Universities Act.

15. Clauses (e) and (j) are new provisions, giving the board powers in two new areas. Section 182, clause (i) presently reads:

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

**.....
(i) place in its class-rooms 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.**

11. Section 168, subsection (2) is amended

- (a) by striking out the word "and" at the end of clause (b) and by adding the word "and" at the end of clause (c),
- (b) by adding the following clause after clause (c):
 - (d) a vote taken on any question shall be by open vote and not by secret ballot.

12. Sections 174 and 174a are struck out and the following is substituted:

174. (1) The board of a non-divisional district or of a division may by resolution or by-law provide for payment to each trustee who attends any

- (a) regular or special meeting of the board, or
- (b) meeting of a standing or special committee, where the meeting has been approved by the board,

of an amount of money for each such meeting he attends and an allowance per mile for every mile necessarily travelled by him in coming to and returning from a meeting.

(2) In the case of a city district the board may, in lieu of providing for payment in accordance with subsection (1), provide for payment to each trustee of an annual honorarium in an amount to be fixed by resolution or by-law.

13. Section 176 is amended by adding the following subsection:

(3) Every committee to which any duty or power is delegated shall provide the secretary with a record of its decisions and a list of the members of the committee present when the decisions were reached, and the record and list shall be included in the minute book of the board, or in such other book as may be provided for the purpose by the board.

14. Section 181, clause (a) is amended by striking out the words "the University of Alberta," and by substituting the words "a university under *The Universities Act*,".

15. Section 182 is amended

- (a) by adding the following clause after clause (e):
 - (e1) obtain a membership in an educational organization,
- (b) by striking out clause (i) and by substituting the following:
 - (i) place in its classrooms, under the direction of classroom teachers and for purposes of observation and experience, persons preparing to become teachers who are not yet holders of teaching certificates, for such periods of time and to be paid such remuneration as the board may decide, and

16. Self-explanatory.

17. This additional amendment provides for the payment of the divisional superintendents' expenses in certain circumstances.

18. Section 191, subsection (1), clause (b) presently reads:

191. (1) The chairman of the board shall

.....
(b) approve all accounts against the district or division and passed by the board, before the accounts are paid by the treasurer unless in the case of a town or city district or division the board has passed a resolution authorizing a trustee or person other than the chairman to approve the accounts, and

This change makes it clear that the board, not the chairman, has ultimate authority over the accounts. His duty is to merely scrutinize them.

19. Section 206, subsection (3) reads:

(3) The auditor shall include a copy of the report in the annual statement made by him pursuant to section 207.

20. Section 212, subsection (3) presently reads:

(3) Notwithstanding subsection (2), the approval of the Minister is not required for the acquisition of a site or of an addition to a site in a divisional town district.

21. Section 227, subsection (1a) presently reads:

(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.

Subsection (1a) will be similar to section 9 (2) of The Public Works Act.

- (j) make expenditures to provide educational radio and television services.

16. The following section is added after section 182:

182a. (1) Subject to subsection (2), the board of a non-divisional district or of a division may require its teachers, bus drivers, school maintenance workers and such other employees having contact with pupils as the board may determine, to undergo a test or x-ray examination for the purpose of detecting tuberculosis.

(2) No employee shall be required to undergo a test or examination more often than once a year, and where an employee makes and signs a statement that he conscientiously objects to undergoing the test or examination for religious reasons, he shall be excused from doing so.

(3) The expenses incidental to the taking of a test or examination under this section shall be borne by the employer concerned.

17. Section 188 is amended by adding the following clause after clause (f) :

- (f1) pay the expenses of the superintendent for any necessary travelling outside of the division which he may do in rendering any service to the board at its request,

18. Section 191, subsection (1) is amended by striking out clause (b) and by substituting the following:

- (b) scrutinize all accounts against the district or division and passed by the board, and either sign or initial the accounts before the treasurer pays them unless, in the case of a town or city district or division, the board has passed a resolution authorizing a trustee or a person other than the chairman to scrutinize the accounts, and

19. Section 206 is amended by striking out subsection (3).

20. Section 212, subsection (3) is amended by adding after the word "town" the words "or city".

21. Section 227 is amended by striking out subsection (1a) and by substituting the following:

(1a) Except with the consent of the board, no person may withdraw a tender made to the board pursuant to subsection (1) at or after the time fixed for receiving tenders

- (a) until some other person has entered into a contract with the board for the performance of the work or the supplying of the materials specified in the notice inviting tenders, or

22. Section 237, subsection (3) deals with publication of a notice of a board's intention to apply for authority to issue debentures. This amendment is necessary because newspapers are not always published in towns or villages they serve, and because there is often only one daily newspaper serving any given town or village.

23. Section 275 presently reads:

275. (1) Any surplus remaining from
- (a) the proceeds of the sale of debentures, and
 - (b) grants received pursuant to The School Buildings Assistance Act, after all expenditures for the specific purpose or purposes for which the debentures or grants were authorized have been made shall be placed in a suspense account and applied to redeem the debentures.
- (2) Notwithstanding subsection (1), the surplus may, with the consent of the Local Authorities Board, be expended for such other purposes within the scope of subsection (1) of section 235 as the board of trustees determines by resolution.

The repeal of The School Buildings Assistance Act and implementation of the School Foundation Program makes this amendment necessary.

24. This addition enables districts in National Parks, where no municipal authority exists, to participate in programs under the direction of the Department of the Provincial Secretary.

25. Section 309, subsection (2), clause (b) 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
-
- (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.

26. Section 335 presently reads:

335. Under any contract the terms of the employment shall be as provided by this Act and the teacher shall be paid in accordance with the salary schedule adopted by the board.

This amendment brings the provision in line with current practice.

(b) until thirty-five days after the time fixed for receiving tenders,
whichever occurs first.

22. Section 237, subsection (3), clause (c) is amended by striking out subclause (ii) and by substituting the following:

(ii) by printing the notice in at least two issues of each newspaper regularly circulated within the division or in any town or village district adjacent to any district of the division, and if there is no such newspaper, then in at least two issues of a daily newspaper published in Alberta and having circulation within the division.

23. Section 275 is struck out and the following is substituted:

275. (1) Any surplus remaining from the proceeds of the sale of debentures, after all the expenditures for the specific purpose or purposes for which the debentures were authorized have been made, shall be placed in a suspense account.

(2) The surplus may, with the consent of the Local Authorities Board, be expended for such other purposes within the scope of subsection (1) of section 235 as the board of trustees may determine by resolution.

(3) Notwithstanding subsection (2) a surplus that has been retained in a suspense account for more than three years may be expended for any purpose that the Minister approves.

24. The following section is added after section 306:

306a. A district named in an order made under section 305 may make expenditures pursuant to the provisions of *The Cultural Development Act* and *The Libraries Act* as if it were a municipality.

25. Section 309, subsection (2), clause (b) is amended by striking out the words "one dollar and seventy-five cents" and by substituting the words "two dollars".

26. Section 335 is struck out and the following is substituted:

335. The terms of a teacher's contract of employment shall be as provided by this Act and the collective agreement, if any, entered into between the board and its teachers pursuant to *The Alberta Labour Act*, in so far as the collective agreement is not in conflict with this Act.

27. Section 344, subsection (2), clause (c) presently reads:

- (2) The written contract shall
.....
- (c) designate the period during which the teacher is to be employed
and the date on which the employment is to terminate.

**28. Section 355, subsection (3), clause (b), subclause (iii)
presently reads:**

- (3) Where the board of trustees purports to terminate the contract,
if the Board of Reference is satisfied that
.....
- (b) the contract was not terminated,
.....
- (iii) by reason of the financial necessities or circumstances of
the district, or

29. Section 397 presently reads:

- 397. (1) The board of a non-divisional district or of a division may
appoint a teacher and make the necessary arrangements at the expense
of the district or division for the maintenance of a night school.
- (2) If an inspector or superintendent of schools recommends the
establishment of a night school in a district and the board operating
the school therein has failed to establish a night school, the Minister
may direct the board to open and maintain a night school in the
district for such period as he determines.
- (3) If the night school is kept open for at least one month, the board
may charge a pupil a fee not exceeding three dollars for each month
or portion of a month in which he is in attendance.
- (4) A board maintaining a technical school or special classes in the
vocational or technical electives of the junior and senior high school
or other approved vocational courses may charge such fees for night
classes as may be approved by the Minister.

This new section enlarges the board's discretion and power with
regard to adult education.

**30. These changes raise the compulsory school attendance age
to 16.**

**31. The new clause (g) adds an additional set of circumstances
under which a child will be excused from attending school.**

27. Section 344 is amended

(a) as to subsection (2) by striking out clause (c) and by substituting the following:

(c) specify the date that the employment commences.

(b) by adding the following subsections after subsection (2):

(2a) The contract may specify the date of termination of the employment but no contract shall provide for employment of a temporary teacher beyond the thirtieth day of June following the commencement of employment.

(2b) Where the contract does not specify the date of termination of the employment, the employment terminates on the thirtieth day of June following the commencement of the employment but may be terminated by either party before that date upon giving not less than two weeks' notice to the other party.

28. Section 355, subsection (3), clause (b) is amended by striking out subclause (iii) and by substituting the following:

(iii) because of circumstances necessitating a reduction in staff, or

29. The heading "Night Classes" and section 397 are struck out and the following heading and section are substituted:

Adult Education Classes

397. (1) The board of a non-divisional district or of a division may, for the purpose of providing educational service of a general, vocational or avocational nature to adults, arrange for the establishment and operation of a night school or day school or both.

(2) Where a school is established under subsection (1), the board may

(a) appoint persons to provide instruction in the school,

(b) appoint such other persons as are required to operate and maintain the school, and

(c) charge such tuition fees as it considers proper.

30. Section 398 is amended by striking out the word "fifteen" wherever it occurs and by substituting the word "sixteen".

31. Section 400, subsection (1) is amended by adding the word "or" at the end of clause (f) and by adding the following clause:

(g) the board, after receiving the recommendation of the superintendent or inspector of schools, is of the opinion that no suitable program of instruction is

32. Section 409, subsection (3) presently reads:

(3) The warning notice may be served by mailing a postpaid, registered letter, addressed to the parent, guardian, or person having the care or legal custody of the child.

33. Commencement of Act.

offered in its schools for a child who is fifteen years of age.

32. Section 409 is amended by striking out subsection (3) and by substituting the following:

(3) The warning notice may be served either personally or by mailing it by postpaid, registered mail, addressed to the person to be served at his last known address.

33. (1) This Act, except sections 30 and 31, comes into force on the day upon which it is assented to.

(2) Sections 30 and 31 come into force on the first day of July, 1966.

(3) Section 14 comes into force on the day upon which *The Universities Act* comes into force.

No. 67

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The School Act

Received and read the

First time

Second time

Third time

HON. MR. MCKINNON
